THE WHOLE

PROCEEDINGS

AT LARGE,

In a CAUSE on an ACTION

BROUGHT BY

The Rt. Hon. RICHARD Lord GROSVENOR

AGAINST

His Royal Highneſs HENRY FREDERICK
DUKE of CUMBERLAND;

For Criminal Converſation with Lady Groſvenor,

TRIED BEFORE

The Right Hon. WILLIAM Lord MANSFIELD,
In the Court of KING'S-BENCH,
On the 5th of *July*, 1770,

Containing the Evidence *verbatim* as delivered by the Witneſſes; with all the Speeches and Arguments of the Counſel and of the Court,

Faithfully taken in SHORT HAND by a BARRISTER.

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MAR 7 1935

In the King's Bench,

The Right Hon. RICHARD Lord GROSVENOR, Plaintiff.

His Royal Highneſs HENRY FREDERICK Duke of Cumberland, Defendant.

Counſel for the Plaintiff.	Counſel for the Defendant.
Mr. *Serjeant Glynn*,	Mr. *Dunning*,
Mr. *Serjeant Leigh*,	Mr. *Skinner*,
Mr. *Wedderburn*,	Mr. *Mansfield*,
Mr. *Wallace*,	Mr. *Impey*.
Mr. *Walker*,	
Mr. *Lee*,	
Mr. *Ranby*.	

The court being ſat, the jury were called over, and the following were ſworn to try the iſſue joined between the parties.

John Cope, Eſq;	*William Farrer*, Eſq;
George Garratt, Eſq;	*George Wright*, Eſq;
Heneage Robinſon, Eſq;	*Philip Dyott*, Eſq;
Richard Teaſdale, Eſq;	*Benjamin Cowley*, Eſq;
John Barnfather, Eſq;	*John Walford*, Eſq;
Daniel Booth, Eſq;	*John Lane*, Eſq;

The damages were ſtated at 100,000 *l.* and the cauſe was opened by Mr. Wedderburn.

Mr. WEDDERBURN.

MAY it pleaſe your Lordſhip and you Gentlemen of the Jury, This is an action brought againſt his Royal Highneſs Henry Frederick Duke of Cumberland by Richard Lord Groſvenor, for the injury done to him by his Royal Highneſs, in the ſeduction of his wife. Gentlemen, this cauſe is of ſerious importance with regard to the plaintiff, and no ſmall hopes with regard to the public; and though ſuch inſtances have happened, this is the firſt inſtance where a perſon of the defendant's high rank and quality has been the party againſt whom that action has been brought. Gentlemen, from the nature of the caſe, and the injury that the party has received, it is in a great meaſure aggravated in ſome caſes, in ſome extenuated by the quality and condition of the party againſt whom that action is brought. I preſume you will think there is ſcarcely a cauſe in which, if that circumſtance gives importance to it, if it adds weight to the complaint, it cannot have a ſtronger degree than in the preſent cauſe; and it will be my duty, as council for my Lord Groſvenor, with all the reſpect due to the name and rank of the defendant, to lay before you the facts, in ſuch a manner, as may enable

you to conduct your attention to the courſe of evidence that will be given.—In doing that I ſhall make it my endeavour, and I hope I ſhall ſucceed in it, to omit, even at the hazard of interrupting the connexion of the ſtory, every circumſtance that I do not believe the witneſſes will give you an account of: and after I have ſtated the facts, I ſhall then detain you but a little while from hearing the witneſſes themſelves, upon whoſe teſtimony your judgement muſt be formed, upon the nature of the evidence, and the quality of this offence charged upon the defendant. Gentlemen, my Lord Groſvenor was married in the year 1764 to Miſs Harriot Vernon: ſhe had made her appearance in the world but a few months before that marriage, was very young, of a family reſpectable, features engaging, of a fortune not inconſiderable. My Lord Groſvenor had made propoſals to her, and accordingly the ſettlements made at the marriage were adequate to his fortune, ſuch as became him to make, and conſequently were very ample. For ſome time, and I truſt a conſiderable time, they lived together in that happy ſituation which may be ſuppoſed to proceed from a marriage where the motive upon his ſide had been merely affection, and that had produced a change of ſituation extremely advantageous to her, and there were ſeveral children born to them, and the increaſing family was attended with great ſatisfaction to the friends upon all ſides, which is naturally the caſe where there is a conſiderable fortune and an ancient family to be ſupported. Gentlemen, it is impoſſible for me to ſtate to you, and I believe it is impoſſible for the evidence, to trace at what particular period his Royal Highneſs the Duke of Cumberland's intimacy with Lady Groſvenor commenced; you will find however, in the courſe of the winters 1768 and 1769, that his Royal Highneſs's meetings with Lady Groſvenor were conſtant, and ſo public as not to eſcape the blame of almoſt every perſon at every public place; for at every public aſſembly wherever Lady Groſvenor was the Duke certainly came, and at all the public places where ſhe went the Duke was certainly with her. He followed her from place to place with ſuch inceſſant perſeverance, and was ſo conſtant in the time of coming where ſhe was, and going where ſhe was to come, that it became the jeſt of their footmen before it had even reached to be the ſcandal of the town. It may eaſily be imagined how very dangerous to a woman's virtue that ſort of ſollicitation muſt be which is always an advocate for her vanity, and where the rank of the perſon is a ſure means of removing all obſtructions, by keeping other acquaintance and perſons at a diſtance from the reſpect that is due to them. Gentlemen, this was the caſe in this affair: from the time Lady Groſvenor had become the determined object of his Royal Highneſs's attention, her acquaintance, her company, and her connexions and correſpondence, became only ſuch as were agreeable to the Duke; and from the natural deference due to the royal family, I am afraid in ſome inſtances it would give the Duke of Cumberland wiſhes that it would not in any thing be unlawful for him to hold thoſe connexions. In the courſe of the winter the Duke's attention to Lady Groſvenor had been ſo far ſucceſsful, that you will find in the ſpring 1769 they no longer confined themſelves to ſuch occaſions of meeting as public places, and other places of general reſort, ſuch as the houſes of ſuch perſons as were in their parties might afford them, but there were many frequent private viſits, and the return of a fine ſeaſon gave them an opportunity of walking out with leſs obſervation; and the witneſſes will give you an account of their meeting in Kenſington gardens, under different circumſtances of diſguiſe, on purpoſe for going there, which circumſtances will appear in the ſequel of this buſineſs, which cauſed ſuſpicions in the minds of thoſe that attended her, who took particular notice of them, and will give a very ſtrong proof of the opportunities they had of obſerving the Duke and Lady Groſvenor. During the winter and the ſpring months in 1769, Lady Groſvenor had been very intimate with a lady whoſe name cannot now be concealed, the Counteſs Donhoff. The Duke had many meetings in different parties at that lady's houſe. In the month of May the Counteſs Donhoff had occaſion to go out of town for ſome little time; when ſhe was out of town Lady Groſvenor one evening ordered her coach and ſervants to the Counteſs's houſe: there was, you will find by the evidence, no perſon in that houſe but a maid ſervant, left to take care of the houſe, who then lived in it with her huſband. When they came to the Counteſs Donhoff's door, the maid appeared, and ſaid her lady was out of town: Lady Groſvenor look'd out of the coach, and would not take the anſwer from her ſervants, but told the maid ſhe knew the Counteſs would be in town that evening, and ſhe would come into the houſe and wait for her: then ſhe got out of her coach, diſmiſſed her ſervants, and ordered them not to return till eleven o'clock that evening. The maid was ſurpriſed at it; but, knowing her to be an acquaintance of her lady, took it for granted it was proper, and ſhe ſhew'd her up ſtairs into the drawing room of the Counteſs, where you will find, and

that is a circumſtance material in this affair, there was no convenience wanting that could be wiſh'd in ſuch a room; the witneſſes will tell you there was a couch there, which makes a material circumſtance in this cauſe. After that a young gentleman came to the houſe and aſked for Lady Groſvenor, in a chair with the curtains drawn; the woman received him, conducted him up ſtairs to the drawing room where Lady Groſvenor was; ſhe then went down ſtairs, and ſtaid ſome time, and then went into the room with candles. There was when ſhe brought in the candles a circumſtance which ſeemed as if he meant not to expoſe his figure ſo much to her; when ſhe carried the candles into the room ſhe was going to place them upon the table which was near them, and he bid her put them upon the other table, which was at the further end of the room; ſhe then went away, and he and Lady Groſvenor ſtaid there till eleven o'clock at night; upon which they went away ſeparately, her ſervants and coach returning for her as ſhe had ordered them; he went away without coach or chair. Gentlemen, this was ſo convenient a ſituation, the houſe they were then in was remote from all obſervation, by the abſence of all witneſſes, and no interruption as they thought, they were both tempted to repeat it frequently. The idea given to the woman by Lady Groſvenor was, that the gentleman that met her there was her brother. It happened one evening however, that the woman's huſband let the gentleman out, inſtead of the woman herſelf, and he immediately knew who he was, and was ſtruck with the circumſtance, and ſaid to his wife, that it was his Royal Highneſs the Duke of Cumberland; and ſhe ſaid ſhe thought it was Lady Groſvenor's brother; ſhe then made her obſervations, and that brought to light the different incidents upon the former affair. Theſe meetings continued till the Counteſs's return to town, and a few days after her return Lady Groſvenor was confined to her houſe, and was then lying in of her third child. Then, Gentlemen, there is a circumſtance which makes a material part of this affair; the Counteſs Donhoff had a ſervant, who was a young lad; after her return to town the Duke met this ſervant, and aſked him to carry a letter to Lady Groſvenor; to which requeſt the ſervant made no heſitation; his Royal Highneſs recommended ſecrecy, and accompanied that letter with a bribe, and deſired him to bring the anſwer to him, which would be directed to the Counteſs. He took his leſſon, carried the letter and brought back the anſwer as he was deſired. At this time the lady, as I have already ſtated, was lying in: in ſuch a ſituation as that and of ſuch importance to every woman the Duke writes letters to her which will be produced to you, and they ſpeak ſtrongly what before that time had paſſed between them at the Counteſs Donhoff's. Gentlemen, it is impoſſible from the tendency of the letters that their communication could in any degree have been innocent; for no modeſt woman who had not been before corrupted could have received them, and no man wrote from time to time unleſs all reſerve and reſtraint had long ſince been over between them. Gentlemen, I will diſmiſs the conſideration of the letters only with this reflexion, that when you come to hear them read, you will be convinced that letters written in that ſtile from a ſingle man to a woman married, do imply in the ſtrongeſt degree, that every thing that I contend to have paſſed, had previouſly paſt before that time, and no woman could have received ſuch letters at that time from an unmarried man, if ſhe had not laid aſide all reſerve, and no man, if at that time he owed her any reſpect due to her birth, could have written ſuch letters to her. After that his Royal Highneſs was called upon to take the command of ſome ſhips, and went upon an expedition about ſix weeks; in the courſe of that expedition he took every opportunity that could poſſibly occur, and where none occurred he took them, for writing to Lady Groſvenor; and there are letters that paſſed upon that occaſion, which furniſh the moſt evident demonſtration that at that time Lord Groſvenor's diſhonour was complete: one of the letters, dated Portland Road, begins in this ſtile; "My dear little angel, I wrote my laſt letter to you yeſterday at eleven o'clock, juſt "when we ſail'd. I din'd at two o'clock, and as for the afternoon, I had ſome muſic; "I have my own ſervant on board that plays, and a couple of hands from London, "for the ſix weeks I am out:—we were a good many at dinner, I had about nine "people yeſterday, and ſhall have more when the reſt of my ſquadron joins me, they "ſtaid with me till near ſeven.——I got to ſupper about nine o'clock, but I could not "eat, and ſo got to bed about ten:—I then prayed for you, my deareſt love, kiſſed "your deareſt little hair, and lay down and dreamt of you, had you on the dear "little couch ten thouſand times in my arms, kiſſing you, and telling you how much "I loved and adored you, and you ſeemed pleaſed; but alas when I woke, I found it "all deluſion, no body by me but myſelf at ſea."——Gentlemen, from the inaccuracy of the expreſſions, you will ſee evident traces of the ſentiments and ſpirit in which the letters were written; it is not to be ſuppoſed, it cannot be imagined, that a prince of

his high expectation could have received an education that would not have qualified him to write in the beſt, moſt accurate, and proper ſtile; but when under ſuch ſentiments, expreſſions are not guarded, from the ſtrong paſſions of the mind that are endeavouring to expreſs themſelves. The letter goes on ſtating the progreſs of his fleet, and a ſea life, which is not material to read to you now; it goes on in another part, "When I between five and ſix weeks hence ſend the admiralty word that I am "arrived at Spithead, then I ſhall only wait juſt for their anſwer, which will be with "me in a few hours, to ſtrike my flag, and then I ſhall return to you that inſtant, "oh my love! mad and happy beyond myſelf, to tell you how I love you, and have "been ever ſince I was ſeparated from you." The letter then goes on in immaterial occurrences; then it ſays, "My angel of my heart, pray take care of yourſelf for "the ſake of your faithful ſervant, who lives but to love you, to adore you, and to "bleſs the moment that has made you generous enough to own it to him; I hope, my "dear, nay, I will dare to ſay you never will have reaſon to repent it." The letter then goes on with ſeveral other occurrences at ſea, and then, after a long quotation of the celebrated poem that had been made the ſubject of his royal ſtudy, the letter proceeds thus, "Such is my amuſement to read thoſe ſort of things that puts me in mind of our "mutual feelings and ſituations."——Gentlemen, there is another letter, wrote likewiſe at the time that his Royal Highneſs was at ſea, dated Portland Road the 17th of June, which is wrote pretty much in the ſame ſtile and terms; the expreſſions are ſtrong alluſions to the ſituation, which are full as deciſive as thoſe read to you already; no ſuch letters could in a common courſe of decency obſerved in the world have been written to any woman in her ſituation, nor have been received by her, as the tenor imports they were anſwer'd by her, unleſs all reſerve, as I mentioned before, had been totally at an end, and he nothing to aſk, that was in her power to grant: the letters will ſhew you the anxious deſire of the Duke, that ſhe ſhould not go out of town, for the intention of the family was to go into Cheſhire, to Lord Groſvenor's ſeat, in the ſummer, which had been put off beyond the uſual time, upon the account of her lying-in; the letters expreſs his wiſh that it might not happen till the Duke's return; accordingly it did not happen; though ſhe had paſſed the uſual time of being able to travel with ſafety, ſhe prevented their ſetting out from London till July or Auguſt, when he returned; ſhe continued in London till October. In the courſe of Auguſt and September, when he was returned, you will have an account of their meetings in Kenſington gardens, and St. James's palace, and the gardens, and of her going to his apartments, or ſome of his ſervants; and you will find it not wholly confined to thoſe places, but, as people by degrees having eſcaped detection and diſcovery, imagine no body ſees them, and that their ſecret is well kept, and therefore ſhaking off all reſtraints of being confined to a few moments, ſhe at laſt goes fairly to his own houſe in Pall-Mall, it may be ſaid, openly and publicly; it is poſſible that a lady in company might go to his houſe in Pall-Mall to any entertainment, but, in the ſituation ſhe went there, it is impoſſible it can be aſcribed to any public pleaſurable motive, but it was for a very different view; and her facility of going there aroſe from a circumſtance that does honour to the family, one of her ſiſters happening to have apartments at St. James's as a maid of honour to her majeſty: Gentlemen, you will recollect enough of the palace, of that part of it in particular that comes to the outer gate in the firſt court of the palace, which are the apartments of the maids of honour, to underſtand the part of the tranſactions I am going to mention: Lady Groſvenor went in her coach to St. James's palace, and ſhe got out of her coach and ordered the ſervants to wait at the outer gate of the palace, and then ſhe went into the Park through the palace to the Duke's apartments in Pall-Mall; in the Park there is a back door through which ſhe went; ſhe continued for ſome conſiderable time in his apartments, and then returned the ſame way, and went to her coach and ſervants: this was done repeatedly. Gentlemen, it became neceſſary for her to go into Cheſhire, and upon the 23d of October ſhe was to ſet out with the children and family and their attendants, and they were to go poſt to Cheſhire: the diſtance from London to Lord Groſvenor's houſe at Eaton in Cheſhire, I think, is about 182 miles, and the journey was with poſt-horſes. They ſet out upon the Monday, and the firſt ſtage was at St. Alban's, where ſhe arrived in the afternoon of the ſame day. Gentlemen, I think it is probable, I don't ſtate it for certain, but you will have an account that upon the Monday night the Duke of Cumberland was there in diſguiſe. I ſtate it but as probable, not as certain; that depends upon the account thoſe will give from whom we have the only poſſible means of expecting any account. Upon the Tueſday night ſhe got to Towceſter in the evening; about two o'clock three perſons came into the inn at Towceſter on horſeback; they aſked for a room; they were ſhewn

two

two of them into a room; they enquired for bed-chambers, had them looked out for them; they dined, and then two of them retired to their rooms; the third was very little ſeen: the account they gave of themſelves, as it was neceſſary to give ſome account to ſatisfy the curioſity of the maids at the inn, they ſaid they were farmers, the one was Farmer Tuſh, the other was Farmer Jones; they ſaid they were come there for ſome money, and they expected a man to bring them ſome, and if he did not come before twelve at night, they ſhould be obliged to go away. Lady Groſvenor came to the inn, and ſhe retired early to her apartment, and about two o'clock the two farmers ordered a poſt-chaiſe, and ſet out for Stony Stratford; the third perſon ſtaid to take care of the horſes. Gentlemen, you will preſently obſerve the reaſon of that. The next day Lady Groſvenor ſet out from Towceſter, and reached Coventry, and that was upon the 25th of October; you will find that was a court day, upon which his Royal Highneſs would not miſs the opportunity of paying his duty to the King. The farmers ſet out at twelve o'clock at night for Stony Stratford, and returned again to Towceſter in poſt-chaiſes about five or ſix o'clock upon the Thurſday morning. I will now ſtate the courſe the ſervant went; firſt he went to Coventry upon the 25th, where when he arrived he put up his horſes; he ordered beds, and ſaid he was to wait for people to come there, and finding they did not come that night, he ſet off the next morning in the road onwards towards Cheſhire; the two arrived about five or ſix o'clock; they enquired after the ſervant with the three horſes, and were told he was gone on with them; they went on afterwards. This brings on the account of what happened afterwards upon the courſe of the journey; I will avoid ſtating the exact deſcription of theſe perſons; that will be proved by the evidence: theſe two perſons, Farmer Tuſh and Farmer Jones, were his Royal Highneſs and Mr. Giddings who has the honour to be his Royal Highneſs's porter. The Lady arrived at the Four Croſſes in the road to Cheſhire, about ſix o'clock at night, but about two o'clock his Royal Highneſs and Giddings, and whether the ſervant or not, don't appear in evidence, but he is conſidered as ſuch, though in ſome inſtances his intercourſe was more than that of an ordinary ſervant: they arrived about two o'clock on horſeback, they immediately enquired for a bed-chamber, which was choſen, and then to anſwer and ſatisfy the curioſity of the people of the houſe, a ſtory was to be told them, which was, that the young gentleman who wore a black ſcratch wig much down, and in a plain dreſs, with the ſlouch'd hat, was young Morgan, called likewiſe the young Squire: and to prevent enquiries, and obviate the enquiries of people who might make their obſervations, the young Squire was ſaid to be weak in his underſtanding, and under the care of Truſty, which name Giddings went by there. They dined there, and immediately after dinner the young Squire retired to his room. This converſation was held about him to make the people leſs attentive to what might paſs: they were very little ſeen in the houſe, except on their firſt arrival at dinner-time. About ſix o'clock Lady Groſvenor arrived there; ſhe choſe her bed-chamber next to that the young Squire had choſen; the next day, which was Friday, the Lady was to ſet out from the Four Croſſes, and intended that evening to be at Whitechurch: the three perſons ſet out early in the morning, and they arrived at Whitechurch about two o'clock; there they immediately enquired for a bed-chamber, and the ſame ſtory was continued of Mr. Morgan the young Squire being out of his mind a little, and attended by Mr. Truſty as uſual; and they chalked the door of the bed-chamber, which I omitted to obſerve upon the former part of the ſtory. My Lady Groſvenor arrived there about ſix o'clock in the evening; ſhe immediately deſired to ſee a room, upon which the maid ſhewed her the beſt bed-chamber, and ſhe ſaid ſhe did not like that; then ſhe was ſhewn another room, there ſhe ſaid ſhe was afraid of fire; and then ſhe was ſhewn another, that was too near the dining room, and ſome excuſe was found why that room would not do at all, it was not convenient enough; and then ſhe was ſhewn the rooms in their order, and it was remarkable that the room ſhe choſe was very convenient for the chalked room; this was repreſented to her to be the worſt room in the houſe, it was damp and noiſy, the windows were broke, and it was not fit for a lady in her ſituation, as any perſon upon their own account would have choſen the beſt room they could undoubtedly, but ſhe liked the room and would have it, and choſe it accordingly. Lady Groſvenor retired to her room, and the young Squire was retired, and there happened nothing in the houſe more remarkable, except about twelve o'clock in the night, as the grand-daughter and one of the maids of the houſe were ſitting up in the parlour, they heard a noiſe, which they thought was the door of the young Squire's room opening, and upon one enquiring what it was, ſhe was anſwered by the other, Oh it is only the door of the Fool's room; and they ſuppoſed he might walk in his ſleep; the door ſhut again, the noiſe ceaſed and they went to bed: the

next day (upon the Saturday) Lady Groſvenor was to reach her own houſe; ſhe ſet out not very early in the morning, but the other ſet out before her; they ſtopt at a houſe called Barn-hill, in the road to Cheſter; there they baited their horſes, and enquired of the man of the houſe, which was Lord Groſvenor's, and they had the houſe pointed out to them; they ſtaid there till the Lady paſſed by, and then they went on to Cheſter, and Lady Groſvenor went to Eaton, which is no great diſtance from Cheſter, I think it is about two miles; when they came to Cheſter, they put up at the Faulcon-Inn; then they took their horſes when they had refreſhed themſelves and rode out, and ſtaid till five or ſix o'clock in the evening. You will have an account when they went from Cheſter they went to a village called Eccleſton, where there is a public-houſe; his Royal Highneſs and Giddings went there; from thence they looked out for the ſituation of Lord Groſvenor's houſe, and then they went acroſs the fields to Lord Groſvenor's park; they returned again to Eccleſton, and took their horſes and went that night to Cheſter. Gentlemen, I will ſtate to you the conduct they obſerved after they arrived at Cheſter till their leaving it entirely: they went the firſt day to Eccleſton, that place being convenient to the houſe; they rode out every day morning and afternoon; they were at Eccleſton on more occaſions than one; upon the Wedneſday they removed to Marford-hill, and ſtaid till the Saturday from the Wedneſday; they were but little in the town of Cheſter; they walked about a great deal in Lord Groſvenor's places, ſometimes a ſervant holding their horſes and they two were walking; they were ſeen by many people, but you will have a better account from the witneſſes, it being impoſſible for us to ſtate the hours and different places where they were ſeen. They removed to Marford-hill upon the Wedneſday, and were in great intimacy with the man at that place; it was at a poor ale-houſe; I ſuppoſe they ordered every thing in the houſe; they lay there that night; when they went out in the morning they talked of coming back again; they made a degree of acquaintance with the man and his family, and when they went out in the morning he ſuppoſed they would not return early, but they came back ſuddenly and ſaid they had received an account that the young Squire's father was lying a dying, and it was neceſſary he ſhould go poſt to him, and yet they would be ſoon there again; what was before ordered to be ready againſt their return was got ready immediately, and you will find that the Duke and Giddings ſet off poſt for London: they returned again upon the 30th of November, the ſame two perſons with another perſon with them; then there were four in the party, they returned to this houſe at Marford-hill, and they obſerved the ſame conduct as formerly, walking out frequently; their names were changed; here the young Squire, who was before without a name, had the name of Morgan, and the other went by the name of Griffiths; they ſtaid from the 30th of November to the 3d of December, and then in the ſame manner they left it a little abruptly. It will be now neceſſary, ſeeing how they were diſpoſed of in thoſe inſtances, to ſee how Lady Groſvenor was diſpoſed of; ſhe walked out frequently, and you will find ſhe immediately ſent and ordered double keys, having ſome of her own already that might not ſtrike the ſervants with any thing particular, but you will have an account that during the interval from the Saturday to the Thurſday when firſt Lady Groſvenor came to Eaton, ſhe walked out conſtantly every morning and every afternoon; the weather was by no means tempting for walking, but ſhe never omitted to walk out every day during that time, and you will find by the evidence, ſhe never walked out at any other time, and you will hear from different witneſſes who obſerved her that ſhe was ſeen talking with perſons in the fields, and from ſome of them you will find they knew the perſon ſhe was talking with, and the ſame things occur the ſecond time of their going down upon the 30th of November to the 13th of December, and then in the ſame manner ſhe was conſtant in her walks; ſhe was obſerved by many to be talking with theſe perſons already ſpoken of. You will likewiſe have an account of the reaſon why theſe parties left the place ſo abruptly upon both times: Lord Groſvenor had returned to Eaton upon the 14th of November; upon the 14th of December the ſame thing happened again; and upon the occaſion of his laſt going down the Duke happened to be ſeen by perſons who knew him, who having ſeen him before they had ſuſpicions that there would be a ſtory raiſed in the country very unfavorable of thoſe perſons and their deſigns in that country. But in fact none of the country people ſuſpected the real motive of thoſe deſigns. The ſtory ſpreading perhaps from London to Cheſhire had occaſioned ſuſpicions upon them, and whether thoſe ſuſpicions had been confirmed by intelligence I cannot ſtate to you; it would be material if in my power, but it lying beyond the reach of poſſible evidence I omit to ſay any thing about it; it is ſufficient that Lord Groſvenor had his

ſuſpicions confirmed, my Lord Groſvenor was apprized that his Royal Highneſs had left town, and then notice was given to an old ſervant of Lord Groſvenor's family, (his ſteward I think) to be attentive to what paſt upon that journey at that period, and he accordingly ſent to another perſon who was an officer in the militia in Cheſhire, that was his brother; and from the time ſhe came into the inn at St. Alban's on her return home, he employed himſelf to enquire what perſons came into the houſe; the account given him by the people of the houſe was, that there was no company in the houſe except two perſons; one was a young man whom they believed to be out of his mind, and the other a perſon attending him; that they had been there ſometime, and were to be there that night: the man obſerved he ſhould not have been ſo near Lady Groſvenor's room; he ſaid it was improper to have a madman ſo near her room, it would diſturb the children likewiſe; but all this account confirmed Mr. Stephens's ſuſpicions that they were the Duke of Cumberland and his attendants. After dinner he took the precaution to bore a hole in the door of Lady Groſvenor's bed-chamber, from which he could obſerve what paſſed in the room; the ſituation was not very favorable, but it gave them an opportunity of ſeeing a part of the bed and room; my Lady Groſvenor retired to her bed-chamber pretty early; the room in which ſhe lay led into another room; ſhe locked the door of that room, and put the key in her pocket, after having diſmiſſed the maid of the inn that came to warm her bed, and locked the door after her; you will obſerve both the doors were locked by Lady Groſvenor within ſide; after Stephens came up he liſtened attentively at the door, and he was pretty confident he heard two voices, Lady Groſvenor's and another; then he went away, and came ſometime after and liſtened again, and his ideas were confirmed; but not truſting his own ideas, he went to his brother, who was at another place, and fetched him; they both liſtened together, and they were convinced there was a perſon with Lady Groſvenor in her bed-chamber, and according to the beſt inference they could make out, they were within the curtains of the bed; upon that Mr. Stephens, whom I ought to have told you, obſerved the motions of thoſe two perſons, and found they had ordered a poſt-chaiſe to be ready at two o'clock in the morning, Mr. Stephens thought there was no time to delay, and with his brother and the other ſervants he burſt open the door; it burſt from its hinges and returned upon the lock, that was cloſe within ſide; it was done inſtantly; both parties were in the utmoſt conſternation; Lady Groſvenor attempted to go into the other room, the Duke, unable to ſpeak, ſtood confounded and frightened; Lady Groſvenor was buttoning up her travelling dreſs uſed upon the journey, which, upon the firſt diſcovery, was open and her neck bare, and unbuttoned; ſhe was buttoning up with ſurprize and conſternation, and upon that occaſion his Royal Highneſs was buttoning up his dreſs. The Lady fell down in running away; Stephens ran to her to aſſiſt her in getting up, and his Royal Highneſs was going to the door likewiſe; Stephens ordered them not to let that gentleman go out; he went back, and then Mr. Stephens ſaid there was no harm intended to his perſon, and turned round to the people and aſked them this queſtion, Do you know who this perſon is? The ſervants anſwered it was his Royal Highneſs the Duke of Cumberland. He would not tell who he was, but he ſaid if Stephens would go with him into the next room he would tell him; they went into another room, and before the time he had reached that room the whole houſe was alarmed; the maids and other people came in upon the appearance of new faces, and when they were all got into the other room where the Duke went, he ſaid, Take notice, gentlemen, I am not in Lady Groſvenor's bed-chamber: the anſwer to him was—he certainly was there when they came to him; and they ſaid they would take their oath of it; they examined the bed, and as they found the ſituation of the bed, there was no doubt that two perſons had lain upon it, and it was exceedingly diſordered; the chambermaid was applied to, ſhe ſaid ſhe had made it very orderly, and never left it in that condition, and ſhe will give you an account of the ſituation in which it was afterwards found. Stephens told his Royal Highneſs he was ſorry for what had happened, but it was what he was obliged to do, but it was his duty to his maſter which obliged him to act as he had done in the affair, and aſſured his Royal Highneſs he would not meet with any obſtruction, and he might go where he pleaſed, and accordingly he went away for London. Gentlemen, I have now conducted this affair to the laſt deciſive ſcene of it; I have gone through the relation upon the general circumſtances, ſo far as is neceſſary to guide your attention to the courſe of the evidence that will be given; you will obſerve upon it four material circumſtances, all operating equally ſtrong to conviction in this cauſe. Firſt, the private meeting between his Royal Highneſs and Lady Groſvenor at his own houſe, Kenſington-gardens,

and other places, but above all the meetings at the Counteſs Donhoff's. Secondly, all the letters, referring to the ſituation in which they had both been, and the very ſtrong expreſſions which ſhew that all had paſſed between them that could paſs. Thirdly, the uncommon journey he took under the different diſguiſes into Cheſhire, his ſtaying there, and the opportunities he ſought with ſo much hazard and difficulty, in ſituations ſo derogatory from and diſagreeable to his birth. And laſtly, the ſcene at St. Alban's, which cannot leave much room to doubt even in the minds of perſons moſt unwilling to believe. When all theſe circumſtances I have repeated to you are proved, and the witneſſes will relate many particulars which I have paſſed over, you cannot have the leaſt opportunity to pronounce Lord Groſvenor has not made out his caſe. If this was a caſe depending upon nice ambiguous proof; if this was a queſtion upon which there was a balance of evidence, it would be proper to enter into a diſcuſſion of the nature and import of the evidence, to ſupport ſuch a charge, and upon what principles you ought to weigh it, and upon what circumſtances you would form certain concluſions; if it was, I ſhould only miſpend your time. But this is not a cauſe depending upon a courſe of equivocal circumſtances but on the contrary innumerable circumſtances concurring together of incidents which are impoſſible to be explained away, and impoſſible to receive an innocent conſtruction, not to be taken only as ſeparate circumſtances, but in that view when all is united as equally incapable of being palliated, the united force of them is irreſiſtible to conviction; I believe it will not be diſputed that, in cauſes like this, nothing leſs than ocular witneſſes to direct facts can be admitted; no ſuch rule has or can prevail in this cauſe, as in every other cauſe a ſtrong ſubſtantial proof operates with more force than it can in any caſe if parties are wicked enough to make up evidence to contradict the truth; but in this caſe there is more in the compaſs of proof than probable evidence; if direct evidence was to be offered to you, if witneſſes were to ſay they ſaw them in bed together, that would leave ſomething to be inferred by the jury, and that inference may be as well made of other circumſtances as of that ſingle circumſtance, as whether or not it was impoſſible that it could happen in any other ſituation than between ſheets. If you were to hear poſitive witneſſes ſay they had ſeen the parties in bed, I ſhould think if ſuch evidence was offered it would be a very ſuſpicious evidence. In one remarkable cauſe the ſpiritual court did deem it exceedingly ſuſpicious, and would not divorce the parties becauſe the parties are never ſo indiſcreet, but prudence may preſerve them from being found in the fact. Gentlemen, this is an action now founded upon the injury Lord Groſvenor has ſuſtained in the relation of a huſband; it is therefore to be proved in the ſame courſe, as in any other relation; and the evidence I have laid before you, I am ſure, if the witneſſes ſupport it, is ſufficient to eſtabliſh the plaintiff's right in a civil action: I have no objection, and I dare ſay you will find this is a criminal tranſaction, and the law in thoſe caſes is penal; and the law has fixed no other method in ſuch crimes, but a jury by way of damages may give them ſatisfaction, upon the conſideration of the injury. If that argument ſhould be urged with regard to the evidence that it is only circumſtantial, I have not the leaſt doubt to diſtinguiſh it, where the evidence is ſo ſtrong between this and any cauſe of a criminal nature; crimes are to be proved by circumſtantial evidence, even murder; there is no caſe but may be proved by circumſtantial evidence, and there is no caſe but circumſtantial evidence is ſufficient, even to fix the party and crime, and ſubject the party to a loſs of life. That could amount to more than the preſent caſe; conſider the circumſtances, the ſcene at St. Alban's upon the 21ſt of December, a gentleman not coming there accidentally, but by aſſignation with a lady; he is admitted in that bed-chamber where no perſon but Lady Groſvenor could admit him; the door is locked upon the inſide; he came there knowing her to be there, and comes there in diſguiſe, remains in the houſe in that diſguiſe, is admitted in her bed-chamber in an undue time; it certainly is not an innocent meeting, it is in conſequence of an aſſignation. If I aſk what purpoſe is the meeting, every man can anſwer that queſtion, it is evident enough what the purpoſe was. If I aſk whether it was completed, the anſwer to that is, yes, they were detected. If I aſk why ſufficient time was given, the witneſſes will anſwer that, it can have but one conſtruction, it denotes a criminal detection; but the circumſtances of that detection ſhew a criminal purpoſe actually completed. With regard to the Duke coming there, it may be ſaid, that the intention was extremely innocent; I preſume it may be ſaid becauſe it has been ſaid, that the only object of the Duke's journey to St. Alban's was to acquaint Lady Groſvenor of the reports in the news papers that were pretty judicial as to her character, and he came to acquaint her of it. Gentlemen, you will conſider how abſurd and totally improbable it is: if it was incumbent upon him to make that

communication

communication to my Lady Groſvenor, there was no difficulty of writing, or ſending, or waiting till the next day, when ſhe was to be in London: why diſguiſed? why in waiting? But was it conſulted with my Lady Groſvenor that he was to come? meeting with her was concerted to be ſure, as none could come there but in conſequence of her previous knowledge. The Duke of Cumberland was in the houſe: ſetting apart the reſpect due to the Duke of Cumberland, taking a prince of the blood out of the queſtion, ſuppoſing any other perſon of the higheſt condition in the kingdom, ſuppoſing they had been with Lady Groſvenor at that time, and that my Lord Groſvenor had arrived that evening in St. Alban's, and had come immediately to her bed-chamber and found a man in the bed-chamber with her, ſuppoſing any man only liſtening to the firſt dictates of jealouſy had done that which the law in that caſe deems juſtifiable, and if brought to his trial upon it, is there a jury upon that caſe that would not ſay the man was juſtifiable in that he had deſtroyed a man found in adultery with his wife? That is taking the fact in the ſtrongeſt view it can be placed, and I have no doubt upon ſtating and proving the circumſtances in that reſpect, that the jury will pronounce a perſon ſo found in ſuch a ſituation, and being in ſuch a ſituation as the law allows not, to be a guilty perſon. How can the meetings at the Counteſs Donhoff's be accounted for? the meetings at the Duke of Cumberland's own houſe in Pall-Mall? For it will be proved to you, that Lady Groſvenor does in perſon go privately to his houſe; how can ſhe go to ſuch a houſe as his houſe in that private manner with ſecurity? Her going through the palace as if ſhe went only to ſee her ſiſter, was all artifice to avoid a diſcovery where ſhe went; it is impoſſible ſhe could go there with any innocent view. What was wanting upon the occaſion of their meeting at the Counteſs's? Was inclination wanting? Had the Duke failed by reſerve? At that time the letters tell you the conſequence; he told her he loved her, and was happy that ſhe loved him; both were young, no witneſs was by; it is impoſſible to imagine all had not paſſed that was neceſſary to paſs to complete Lord Groſvenor's diſhonour. If we lay that out of the queſtion, conſider the nature of the letters themſelves; I will not talk of the letters that were wrote to Lady Groſvenor in that interval when a woman's ſentiments, from a thought of religion, ſhould have been all excited another way; then ſhe was receiving and returning letters from the Duke, that it muſt be impoſſible for a modeſt woman to receive without being looked upon with a degree of blame. But conſider the other letters wrote from on board his ſhip, the letters I have already mentioned to you, which tells her, " I had you upon the dear little couch," alluding in direct terms to the ſcenes to which that couch had been a witneſs: it is impoſſible for perſons of the rank and condition of the Duke and Lady Groſvenor, who were bred up with people of decency and reſpect, and whoſe language muſt have been modeſt and correct from their education, to talk in plainer terms than could be expreſſed in modeſt terms. What does he mean by their mutual feelings and ſituations? Is it poſſible to allude more directly to or tell in plainer terms the circumſtance in Lady Donhoff's houſe? It carries with it the ſtrongeſt conviction poſſible; I need not dwell upon the other expreſſions in the letter; the whole terms of the letter, the inaccuracy of the language ſhews the circumſtance now brought to you to determine upon: in the letter he bleſſes the moment that has made her generous enough to own her paſſion for him: every body in the world knows the reaſon of that to be what is underſtood to be the proving and giving the laſt fatal proof of her paſſion, by owning her paſſion. He concludes one letter with ſaying, " he is ſure " ſhe will never repent it:" what more is neceſſary to ſupport this action in the ſtricteſt ſenſe of the caſe? conſider the journey into Cheſhire, conſider with yourſelves a moment, what it muſt coſt him in his own mind to ſubmit to many things that occurred in the courſe of that journey, and how eager he muſt have been in the ſeduction of Lady Groſvenor; thoſe mortifying circumſtances that obliged him to keep company with his own porter, who appeared as his ſervant and ſometimes companion, to a perſon educated as his Royal Highneſs has been, and at that diſtance from home, who uſually is accompanied by royalty and uſed to that reſpect; I don't know any circumſtance more difficult to ſuggeſt than the familiarity thoſe perſons had with him; all that is overcome, all that had led him through that difficulty, all overbalanced every conſideration; he forgot what he owed to himſelf, to his birth, to the public, and to the ſacred rights of matrimony; he forgot that and his own dignity, and his birth, and all in the courſe of months together, by repeated acts demonſtrating thoſe maxims, the whole of which we will prove in the preſent cauſe: it is impoſſible to be miſunderſtood by a jury accuſtomed to conſider the nature of evidence; they muſt obſerve with what view his Royal Highneſs condeſcended to lay aſide his dignity for ſo many months together; it is impoſſible for him not to gain the object he ſought after with

with ſo much difficulty, and that all his endeavours ſhould happen to prove ineffectual, which would be a direct contradiction to the witneſſes who ſpeak to the confuſion of the parties, and againſt his own letters, and it would overturn all idea of evidence and certainty. In cauſes of this kind, it exceeds the credulity of any perſons of the moſt bounded inclination to advance her honour beyond the bounds of probability, and impoſe upon the credulity of the world; it is impoſſible ſo many abſurdities ſhould impoſe upon your judgement. I ſhould here conclude the cauſe, and give you no farther trouble till the evidence has been heard, if I had reaſon to imagine, I ſhould have occaſion to addreſs you a ſecond time; as I do believe it is probable I ſhall not have an opportunity of taking up any more of your time in what occurs to me at preſent, I ſhall ſubmit to your conſideration a few words upon the nature and extent of the damages. In all caſes the damages muſt be proportioned to the injury, and the quality of the injury, and in all caſes it depends upon the character and ſituation of the injured perſon, and of the perſon who has committed the injury; conſider then the ſhort ſtate of this cauſe, his Royal Highneſs is a prince of the blood, and he has debauched the wife of a peer of England. If you conſider the perſons, there is no ſum of damages ſufficient; if you conſider the example with regard to the public, no imaginary ſum is too high. This, as I began in the opening to ſtate to you, is the firſt inſtance where an action of the kind has been brought againſt a perſon of the defendant's high rank and quality, and it depends totally and entirely upon your verdict, whether this is the laſt occaſion that ever will be given for ſuch an action as this. All men know, you muſt know gentlemen, from your obſervation of the world, from reading and experience, that the conduct of princes is an object of national as well as private concern; that their elevated ſituation gives them many facilities of obtaining the accompliſhment of moſt irregular wiſhes; the reſpect paid to their rank will introduce them in ſituations which are denied to private perſons; and will impoſe greatly upon the vanity of a woman, nay, even upon the vanity of men, who think themſelves honoured to have the notice of a prince; in the courſe of their family they are too long permitted to be unſuſpected: you know of how much conſequence it is to check theſe irregularities, in order to derive a beneficial example through all ranks of ſociety. Gentlemen, I have already admitted I ſhould have no objection to conſider this with reſpect to the evidence given as a criminal caſe, with reſpect to the damages you are to give, and the council for the defendant can have no objection to take it ſo in this cauſe. It has been uſual to conſider theſe caſes as criminal, and the judges have formerly formed their directions upon this principle, the quality of the defendant, and example with regard to the public, which were the only conſiderations; who the plaintiff is, is totally immaterial; put him upon a level with every other ſubject, and conſider the quality of the defendant, and the influence ariſing upon it; conſider what is the puniſhment and damages due upon ſuch an offence, in ſuch a caſe as this; in all cauſes this has been the point of view in which it was taken. If the defendant had been a domeſtic, and had been guilty of ſuch a crime, it would have much aggravated the guilt, and ſuch a circumſtance and the puniſhment ought to be more ſevere. I have heard of an unfortunate caſe, where the plaintiff was a noble lord in Ireland, and the offender was a near relation to him, and the reſentment of the jury made them give a verdict of perpetual baniſhment; they thought it unfit for him to live in the kingdom, and the verdict had that effect to drive him out of Ireland: and in another caſe, where the offender was a domeſtic, and the man not worth five ſhillings in the world, the jury brought in a verdict of 5000*l.* taking for an example, that the puniſhment ſhould amount to perpetual impriſonment of the party. I remember upon the caſe of a boy of fifteen years of age, who was an apprentice, being guilty of criminal converſation, and the jury gave a verdict of 100*l.* damages againſt the boy, that was proved to be not worth a ſhilling in the world, for the ſake of impriſonment. Gentlemen, how to draw concluſions with regard to the rank and quality of the defendant, I own I am at a loſs, becauſe the naming him is ſufficient; it is a prince of the blood, entitled by his birth to every degree of reſpect, in whoſe conduct the public is deeply intereſted, whoſe example as vicious in his high ſituation is moſt dangerous; a precedent for damages in ſuch caſes as this I can find none, but one inſtance upon record where a prince of the blood has been the party upon record in a court of juſtice; but then the prince was the plaintiff, and the brother of king Charles II. it was an action for words ſpoken, and becauſe of the quality of the plaintiff, the jury thought proper to give the prince 100,000*l.* in damages; this is an inſtance appearing upon record. In this caſe the prince appears as defendant. If that prince, the Duke of York, had been the defendant, there the jury would not have heſitated to have given the ſame ſum againſt him, which was extorted from a perſon of no rank. Gentlemen,

if this caſe had then happened, if the action had been brought againſt that prince, much alleviation and much extenuation might have been urged in that behalf; firſt, the corruption of a licentious court; in the next place, the daily example of the prince upon the throne, whoſe conduct was publicly irregular. In the preſent caſe, happy for this kingdom, no ſuch circumſtance of alleviation can be urged: his Royal Highneſs has in his own family nothing but the firſt example of piety and conjugal fidelity; it would be happy if his majeſty's regular conduct could diffuſe into his family, and diffuſe into his ſubjects, to make them pure as he is: therefore it will admit of no extenuation in this caſe; upon the contrary, you will admit it is a circumſtance of aggravation, as he was unſeduced by domeſtic example, that his Royal Highneſs ſhould unfortunately make himſelf the firſt inſtance where a brother of a family upon the throne has ſeduced the wife of a peer of England. Now concerning the damages, with reſpect to the defendant, I ſhould conceive the ſevereſt verdict you can poſſibly give is for the defendant the moſt ſalutary: for it cannot exiſt that no damages you can give will have the effect intended by the jury; but the ſevereſt verdict, with regard to him, will have the moſt ſalutary effect: in the firſt place, it will teach his Royal Highneſs this great and uſeful leſſon, that the laws of England in the hands of an Engliſh jury are ſuperior to the moſt elevated degree of rank, and it will urge him to principles more noble than the ſeduction of a nobleman's wife; it will teach him what his anceſtors have done in making the laws of the country, that they can puniſh even in the perſon of a prince, and they can reward nobly in the perſon of a prince: it has been the caſe in many inſtances; this will correct his exceſſes, and would with the ſame liberality reward his merit, and ſtate his merit in a point of light equal with the rank he ſupports. In whatever light the public may have unfortunately held him, they cannot regard your verdict in a wrong light; for the extraordinary attendance ſhews the anxiety of the public, and it is not only from curioſity, but anxiety to ſee to what degree you will carry your reſentment againſt ſuch a crime, ſo fatal and dangerous to the world and ſociety. Gentlemen, the cuſtody of a public example reſts in your hands, and when compared to that, the honour of an Engliſh nobleman is an indifferent ſubject; the chaſtity of women, and the ſanctity of marriage, all depend upon the impreſſion your verdict will give; from the weight and importance of ſuch a tranſaction as this, committed by a perſon ſituated ſo high as the preſent defendant is. I am convinced the expectation of the public will not be deceived: good men will find vice checked in this inſtance in ſo ſignal a manner, that it will operate in reformation much beyond this particular inſtance; to ſhew young men, diſorderly licentious men, indulging and abuſing the facility their title, rank and fortunes give them, that an Engliſh jury conſider the rights of ſociety, as not to permit the ſacred rights of marriage to be ſacrificed to the inordinate wiſhes of young men, and that no rank will protect them from your equal diſtribution of juſtice; and the greater the offender, it is juſt the puniſhment ſhould be in proportion. Upon theſe conſiderations I ſhall ſubmit the cauſe to you; it is probable I ſhall have no opportunity of making any more obſervations; and to conclude, I could wiſh to have ſtated this caſe with all its weight, and with all imaginable candour in my power; and in the opening of the evidence, if I have inattentionally ſtated any circumſtance to which there is no poſitive evidence, it is contrary to my intention, and I hope you will overlook it. I have ſtated as carefully as I can the circumſtances which I am confident will be given in evidence; if I have gone farther, I hope you will attribute it on my part as a mere miſtake.

The Reverend Mr. TAYLOR *examined.*

Q. Do you know Lord Groſvenor?
A. Yes.
Q. Do you know Lady Groſvenor?
A. Yes.
Q. Do you know when they were married?
A. Yes, I married them July the 19th, 1764.
Q. Where?
A. St. George's Hanover Square.
Q. Did you live in the family before this affair happened?
A. Yes.
Q. Upon what terms did they live together?
A. Mutual affection, I believe.
Q. How many children are there?

A. Only one child, I believe.
Q. Were they always upon good terms?
A. I never ſaw any time when they were otherwiſe.

Croſs Examination.

Q. You did not mean to ſpeak with reference to any particular time, but always known to be ſo?
A. Yes.

ELIZABETH SUTTON *ſworn.*

Q. Where did you live in May laſt was a twelve-month?
A. At the Counteſs Donhoff's.
Q. Are you a ſervant there?
A. No, I only take care of the houſe in her abſence.
Q. When did you take that care upon you?
A. About the 8th of May.
Q. Did the Counteſs go out of town that day?
A. Yes, Sir.
Q. Do you know Lady Groſvenor?
A. Yes, Sir.
Q. When did Lady Groſvenor come to the houſe?
A. My Lady went out of town and came back the Monday after.—Lady Groſvenor viſited my Lady when ſhe was in town.—My Lady went out of town again.
Q. When?
A. About a weeks time, and then ſhe ſtaid five weeks.
Q. Do you remember any thing of Lady Groſvenor coming to the houſe?
A. The day my Lady went out of town, Lady Groſvenor came.
Q. What time of the day was it, can you remember?
A. I believe it was paſt ſeven, and near eight at night, as near as I can gueſs.
Q. Was your Lady out of town then?
A. She went out of town that afternoon.
Q. What happened when Lady Groſvenor came?
A. She aſked for my Lady, I ſaid ſhe was out of town.—Lady Groſvenor ſaid ſhe knew my Lady would be in town that evening, and when her Ladyſhip ſaid ſo, I did not know what ſhe expected—I did not expect my Lady.—Lady Groſvenor came in, and ſaid her brother would come, or aſked me whether her brother was come, one or the other I am ſure.
Q. Where did Lady Groſvenor go then?
A. Directly up ſtairs into the drawing room.
Q. What happened then?
A. I can't be ſure, but I think I ſtaid in the hall below ſtairs to take care of the door.
Q. Did any other perſon come that evening?
A. In about half an hour there came a perſon in a chair with a double knock; I opened it, and the chair was brought into the hall with the curtains cloſe; the man opened the top of the chair, and a gentleman got out and run up ſtairs directly.
Q. Did you obſerve his perſon?
A. I ſaw nothing but his back; he had a blue coat on.
Q. Then as ſoon as he got out of the chair, he ran up ſtairs?
A. Yes, he did very quick, and went into the room where lady Groſvenor was.
Q. Did you ſee him there?
A. I did.
Q. What happened while they were there?
A. I ſtaid below ſome time to ſhut the door after the two chairmen, and then I went down ſtairs about my buſineſs. When it was time for to light candles, I took candles into the room, and a pair of ſnuffers: when I went up to the door I knocked at it, and I think one of them ſaid, Come in: I went in directly; when I came in, the gentleman and the lady were ſitting upon the couch, Lady Groſvenor at the top, and the gentleman at the bottom.
Court Q. How did you ſay they were ſitting on the couch?
A. The one at the top, the other at the bottom, but cloſe to each other.
Council Q. You was ſpeaking about candles.

A. Yes,

A. Yes, I went to carry the candles to a table by the couch, and the gentleman ſaid, Put them upon that table, and that was at the further end of the room; I put them there according to his orders, and then I ſhut the windows, all but one as was near the couch, and as I was big with child I could not conveniently get at it. Lady Groſvenor and I was both big with child at the ſame time, and both laid in in one month.

Court. When did Lady Groſvenor lay in?

A. I was brought to bed the 24th of June, and ſhe lay in the ſame month; ſhe was very big with child then as well as myſelf; I could not get by and I left that one window unſhut.

Q. Can you tell how long the lady and gentleman ſtaid?

A. I think Lady Groſvenor's coach came for her about a quarter after ten, or thereabouts.

Q. What day of May was it?

A. I believe it was the 18th of May. My Lady came home from the country and ſtaid ſome days, then went again; I know it was the latter end of May, but I can't ſay exactly to a day.

Q. Can you remember Lady Groſvenor's coming again? Was the Counteſs in town?

A. When I went into the room with the candles, the gentleman ſaid, Is your miſtreſs come home? I ſaid no; then he ſaid, Do you know whether ſhe will come? I anſwered, I did not know.

Q. Lady Groſvenor went away in her own coach?

A. Yes.

Q. When did the gentleman go away?

A. When the lady went away I ſtaid ſome time below ſtairs, and then I wondered the gentleman did not go with Lady Groſvenor in the coach. I ſtaid ſome time to ſee if he wanted me to call him a coach or a chair; at laſt he came down with a candle, and ſaid, Are you in the houſe alone? I ſaid no, I am not, my huſband and family are in the houſe; I opened the door, and he went away without coach or chair.

Q. While you were together, did you make any obſervations of him?

A. I did, he ſtared up in this manner; he was ſuch a ſize as that gentleman; he was a fair gentleman with large eyes.

Q. Do you remember how he was dreſt?

A. I ſaw a ſcar on his cheek; he put his great coat up to his neck, ſo— (*pulling her cloak up to her neck.*)

Q. Did you ſee that gentleman again?

A. I did.

Q. Give us an account when he came again?

A. The next day both came again.

Q. Which came firſt?

A Lady Groſvenor came firſt, and the gentleman afterwards in the ſame manner as before; I carried candles in again, and placed them on the farther table myſelf, without his bidding; he aſked whether the Counteſs was come home yet? I anſwered no: Lady Groſvenor ſaid, Certainly ſhe will be in town to night; the gentleman ſaid no more.

Q. The queſtion firſt aſked was by the gentleman?

A. Yes. He came in the ſame manner this ſecond time. I took the candles as before, and ſhut up the windows the ſame as before. Lady Groſvenor's coach came; I bid her ſervants take care of the houſe, while I went up ſtairs to acquaint her Ladyſhip; ſhe came down and went away, and he went away in the ſame manner: I ſaid to my huſband, the lady is gone, do you go and wait and let the gentleman out; he went and let him out; then my huſband ſaid, Do you know who that is? I ſaid is it not the lady's brother? my huſband ſaid no, it is the Duke of Cumberland.

Q. How long were they together this time? what hour did they come and go away?

A. Eleven o'clock.

Q. When did they come?

A. In the evening between ſeven and eight o'clock.

Q. Can you tell whether the gentleman came after the lady that night?

A. I can't ſay whether he did not come firſt one night, but I can't tell which night.

Q. How many times might they come in this manner?

A. I think they came three or four nights.

Q. Was the couch there each night?

A. Yes, it was.

Croſs Examination by Defendant's Council.

Q. I think you ſaid Lady Groſvenor came in her own coach, with her ſervants, and he came in a chair and walked away?

A. Yes.

Q. And they came about ſeven or eight o'clock, and went away about ten?

A. Yes, and one night eleven.

Q. Within two or three days of each other about the ſame time?

A. Yes, all the ſame time.

Q. You took him to be Lady Groſvenor's brother, till your huſband told you it was the Duke?

A. Yes, I underſtood him to be the lady's brother.

Q. So when Lady Groſvenor came into your miſtreſs's houſe, ſhe talked to you ſuppoſing your Lady was coming home?

A. She always ſaid ſhe expected ſhe would be at home that night.

Q. When you carried in the candles you was told to come in?

A. Yes.

Q. And you then did as you have told us?

A. I did.

Q. The Duke came in a chair?

A. Yes.

Q. Lady Groſvenor and your miſtreſs viſited when ſhe was in town?

A. Yes, Sir.

SAMUEL SUTTON *examined.*

Q. Are you the huſband of the laſt witneſs?

A. I am.

Q. Do you know the Duke of Cumberland's perſon?

A. Yes.

Q. Did you ſee him at the Counteſs Donhoff's?

A. I ſaw him once there.

Q. At what part of the houſe?

A. I let him out of the door.

Q. You are certain it was the Duke of Cumberland?

A. Yes.

Q. You told your wife it was the Duke?

A. Yes.

JOHN BOURNE *examined.*

Q. Where do you live?

A. At the Counteſs Donhoff's.

Q. How long have you lived there?

A. Upwards of three years.

Q. Have you ſeen the Duke of Cumberland at your houſe?

A. I ſaw him there twice.

Q. Was you ever at his houſe?

A. Yes.

Q. In Pall-Mall?

A. Yes.

Q. When?

A. About a year ago.

Q. Did he ſpeak to you?

A. Yes. He aſked me to take a letter to Lady Groſvenor for him, and deſired me not to tell the Counteſs.

Q. What further directions did he give you?

A. The anſwer I was to have was to be directed to the Counteſs; I was to give my Lady's compliments as if it came from her.

Q. What was you to do with the anſwer?

A. To carry it to the Duke.

Q. Did you receive any anſwer?

A. Yes.

Q. Did you carry it to the Duke?

A. Yes.

Q. Did he give you any reward?

A. Yes, half a guinea.

Croſs

Croſs Examination.

Q. Are you ſervant to the Counteſs Donhoff?
A. Yes, Sir.
Plaintiff's Council. My Lord, the officer of Doctor's Commons is here.
Defendant's Council. I admit the letters.

Letter B *read in Court,*

My ever deareſt Loue.

HOW ſorry I am that I am deprived the pleaſure of ſeeing this Evening but especially as you are in pain God grant it over upon my knees I beg it altho' it may go of for a few days it muſt return and then you will be easy my only Joy will be happy, how ſhall I thank for your very kind Note your tender Manner of expreſſing yourself calling me your dear friend and at this time that you ſhould recollect me. I wiſh I dare lye all the while by your Bed and Nurſe you——for you will have nobody near you that loves you as I do thou deareſt Angel of of my Soul O' that I could but bare your pain for you I ſhould be happy what grieves me moſt that they who ought to feel *dont know ineſtimable Prize the Treaſure they have in you—— thank God if it ſhould happen now Mr. Croper is out of Town and you may be quiet for a few days————I ſhall go out of Town to night but ſhall ſtay juſt for an anſwer pray if you can juſt write me word how you find yourſelf, I ſhall be in Town by eight Tomorrow Evening in hopes of hearing again I am ſure my Angel is not in greater pain than what my heart feels for my adorable Angel——I ſent this by D——ſervant ſhe is gone to Ranelagh do if you write direct it to her the Boy has my orders & will bring it to me—Adieu God bleſs you and I hope before morning your dear little one*

Directed to
Lady Groſvenor.

Letter C *read in Court.*

My dear little Angel,

I Am this inſtant going out of Town ten thouſand thanks for your kind note I am ſure nothing could make my aking heart to night bearable to me than when you ſay you are ſenſible how much I love you pray God it may be over before Morning or that you may be better I ſhall be in Town at eight o'clock for I ſhall long to know how you are dont mention to D that I wrote by her ſervant to you for I have ordered him not to tell — Adieu Good night God bleſs the Angel of my Soul Joy & Happineſs without whom I have no comfort and with whom all happineſs alive au revoir I hope very ſoon

Directed to
Lady Groſvenor.

Letter D *read in Court.*

My dear little Angel,

I Wrote my laſt letter to you yeſterday at eleven o' clock juſt when we ſailed I dined at two o' clock and as for the afternoon I had ſome muſic I have my own ſervant on board that plays and a couple of Hands from London for the ſix weeks I am out—we were a good many at Dinner I had about 9 people Yeſterday and ſhall have more when the reſt of my Squadron joins me they ſtaid with me till near ſeven——I got to ſupper about 9 o' clock but I could not Eat, and ſo got to bed about 10——*I then prayed for you* my deareſt love kiſſed your deareſt little Hair *and laye down and dreamt of you had you on the dear little* couch *ten thouſand times in my arms kiſſing you and telling you how much I loved and adored you and you ſeemed pleaſed but alas when I woke I found it all deluſion* no body by me but myſelf at Sea *I roſe by time at half paſt five and went upon deck there I found my Friend* Billy *and walked with him for about an hour till Barrington came to me we then breakfaſted about eight o' clock and by nine I began and exerciſed the Ships under my command till twelve it is now one and when I finiſh this letter to you my dear Love I ſhall dreſs and go to dinner at two o' clock it is a rule on board to Dine at two, breakfaſt at eight and ſup at nine—always if nothing hinders me I ſhall be a bed by* 10 *or ſoon after and up by half paſt* 5 *in the morning in order to have if there is any occaſion orders ready for the Fleet under my command before I begin to exerciſe them—I am ſure the account of this days duty can be no pleaſure to you my love yet it is exactly what I have done and as I promiſed you always to let you know my motions and thoughts I have now performed my promiſe this day to you and always will untill the very laſt letter you ſhall have from me which will be when I between* 5 *&* 6 *weeks hence ſend the Admiralty word that I am arrived at Spithead then I ſhall only wait juſt for their anſwer which will be with me in a few hours to ſtrike my flag and then I ſhall return to you that inſtant O' my love mad and happy beyond myſelf to tell you how I love you and have thought of you ever ſince I have been ſeparated from you the wind being contrary to day about one I put off dinner till three o' clock*

in order to anchor Ships for this Night in Portland Road juſt off Weymouth about 2 Miles I hope to ſail tomorrow by 5 in the morning I hope you are well I am ſure I need not tell you I have had nothing in my thoughts but your dearſelf and long for the time to come back again to you I will all the while take care of myſelf becauſe you deſire my dear little Friend *does the Angel of my heart pray do you take care of yourſelf for the ſake of your faithful ſervant who lives but to love you to adore you, and to bleſs the moment that has made you generous enough to own it to him I hope my dear nay I will dare to ſay you never will have reaſon to repent it, the Wind was not ſo contrary but we could have ſailed on but I told Barrington that as it was not fair I would anchor eſpecially as I could ſend one of my Frigates in for that I had diſpatches of conſequence to send to London indeed my dear Angel I need not tell you I know you read the reaſon too well that made me do ſo it was to write to you for God knows I wrote to no one else nor ſhall I at any other but to the King God bleſs you moſt amiable and dearest little creature living—aimons toujours mon adorable petite amour je vous adore plusque la vie mesme*

I have been reading for about an hour this morning in Prior and find these few lines juſt now applicable to us

Now oft had Henry *changed his ſly diſguiſe,*
Unmarked by all but beauteous Harriets eyes;
Oft had found means alone to ſee the Dame,
And at her feet to breath his am'rous flame;
And oft the pangs of abſence to remove
By letters ſoft interpreters of love
Till time and induſtry (the mighty two
That bring our wiſhes nearer to our view)
Made him perceive that the inclining fair
Received his vows with no reluctant Ear;
That Venus *had confirmed her equal reign*
And dealt to Harriets heart a ſhare of Henry's *pain.*

Such is my amuſement to read thoſe ſorts of things that puts me in mind of our mutual feelings and ſituations now God bleſs you till I ſhall again have an opportunity of ſending to you, I ſhall write to you a Letter a Day as many days as you miſs herein of me when I do they ſhall all come Friday 16 June God bleſs I ſhant forget you God knows you have told me ſo before I have your heart and it lies warm in my breaſt I hope mine feels as eaſy to you thou joy of my life adieu

Directed to
Lady Groſvenor

Letter E *read in Court.*

Portland Road Saturday 17th June

My ever deareſt little Angel,

THE Wind to day is not fair ſo I ſhall lay here in Portland Road till it is and take this precious moment in ſending this other Note to you I hope it will find you well and that you are not afraid of being gone out of Town before I return back to you thou loveliest deareſt Soul I have been reading ſince my laſt Note of Yeſterday to you a great deal out of Prior keeping the Heroine *bye till I have read quite thro' and find many things in it to correſpond with us exactly*

Hear ſolemn Jove; and conſcious Venus hear;
And thou bright Maid, believe me, whilſt I ſwear,
No Time, no Change no Future Flame ſhall move
The well plac'd Baſis of my laſting Love.

Do not think I wanted this Book with me to tell me how well I loved you, you know the very Feelings of My heart yet it is great pleaſure when I am reading to find ſuch paſſages that coincide ſo much with my own ideas of dear *you, I will write conſtantly it is my only entertainment that and hearing from you will be except my Duty on board the only thought or employment I ſhall have or even wiſh I have juſt now had a meſſage from ſhore it is about 2 miles from Weymouth to go to the rooms this Morning, I have excuſed myſelf being much quieter on board and happier in writing to you, You are not there or elſe the Boat that ſhould carry me would go too ſlow I long for that happy moment that brings me back again to all I love and to all that I adore—— indeed I am ſorry my letters are ſo ſtupid, pray write to me you know whether to ſend them to ſend them to D—— or to Mrs Reda—— I long to hear from you it is now within two days of a fortnight indeed it ſeems forty thouſand years, how happy*

when

when we meet that our letters has opened to each other the very feelings of our honeſt hearts permit me to name *yours with mine then they will be words and happy looks from two of the moſt ſincere Friends alive Your heart is well altho' fluttered while I write to you I hope mine is flurried too they ought to have the ſame emotions I know they have they are above diſſembling I muſt now conclude God bleſs you I ſend you ten thouſand kiſſes pray when you receive this return them to me for I want them ſadly.*

Addieu je vous aime adorable petite Creature je vous adore ma chere petite bejoux l'amant de mon coeur——

God bleſs I will write conſtantly.

Directed to
Lady Groſvenor.

THOMAS DENNISON *examined.*

Q. You was one of Lady Groſvenor's footmen?
A. Yes.
Q. How long was you in my Lord's ſervice?
A. Upwards of two years.
Q. Was you Lady Groſvenor's footman?
A. Yes.
Q. Did you go with your Lady to Almack's in February, 1769?
A. Yes, I did.
Q. At what time did ſhe order her coach?
A. About eleven o'clock.
Q. Was you there before the time?
A. I was.
Defendant's Council. What time do you mean to ſpeak to?
A. February or March, 1769.
Plaintiff's Council. In what manner did the Lady go to Almack's?
A. In a figured chair.
Q. What other place did ſhe go to that night?
A. To the Counteſs Donhoff's in Cavendiſh Square.
Q. Did any body come after her to the ſame houſe?
A. No. I ſaw a perſon going before.
Q. Who was that perſon?
A. It was the Duke of Cumberland.
Q. Did you ſee him in the houſe?
A. I ſaw him go up ſtairs.
Q. How long did he ſtay there?
A. I don't know.
Q. You left him there?
A. As far as I know I did.
Q. I ſuppoſe you came away with your Lady?
A. Yes.
Q. Do you know where your Lady was in May or April?
A. At Craven Hill.
Defendant's Council. May, you ſpeak of?
A. Yes.
Court. What did you ſay of May?
A. In either April or May ſhe came from Craven Hill to the Counteſs Donhoff's.
Council. Did Lady Groſvenor ſtay at the Counteſs's any time, and how long?
A. Yes, two or three hours.
Q. Have you not gone frequently with your Lady to St. James's?
A. I have.
Q. Did you ever hear her ſay what ſhe went there for?
A. She went to ſee her ſiſter.
Q. Can you ſay in what month ſhe went to St. James's?
A. It was the latter end of April or the beginning of May.
Q. You have ſet her down there?
A. Yes.
Q. Do you know where ſhe went when you ſet her down?
A. I have ſeen her go into St. James's Park, and into the Duke's garden.
Q. Which way did ſhe go into his garden?
A. Out of the Park.

Q. Did

Q. Did ſhe go through the palace into the Park in order to go to his garden?
A. Yes.
Q. Have you ſeen her go that way, and into his garden?
A. I have.
Q. Who was with her?
A. The Counteſs Donhoff.
Q. Did you wait there?
A. No, the coach was diſcharged for two hours.
Q. Did ſhe return again to the coach at the end of that time?
A. Yes.
Q. Which way?
A. I ſaw her return the ſame way.
Q. Did you ſee the Duke any where?
A. Yes, Sir, in the Park, when they have met.
Q. Did he go with her into his gardens?
A. Yes.
Q. How often did this happen?
A. About three or four times.
Q. Can you recollect about what time any of thoſe inſtances happened?
A. In the beginning of May.
Q. At what times?
A. About nine, or thereabouts in the evening.
Q. Generally ſtaid about two hours, I ſuppoſe?
A. Yes, from nine till eleven.
Q. Have you been with your miſtreſs in Kenſington gardens?
A. I have.
Q. Can you fix the months?
A. The latter end of Auguſt or September.
Q. Have you been with Lady Groſvenor once, or more than once, to the gardens?
A. Several times.
Q. Who came to her there?
A. The Duke of Cumberland I have ſeen following her up the ſame road among the gardens.
Q. Have you ſeen him with her?
A. No. I never ſaw him with her, only he was following the ſame road.
Q. Did you go with Lady Groſvenor and her family into Cheſhire?
A. I did.
Q. Can you tell when you ſet out?
A. Upon the 23d of October laſt, I think, or the 22d.
Q. Where did you get to the firſt day?
A. To St. Albans.
Q. Did Lady Groſvenor go with her own, or hired poſt horſes?
A. Poſt horſes.
Q. Did ſhe appear to be in good health at that time?
A. Yes, Sir.
Q. Where did ſhe get the firſt day?
A. To St. Albans the firſt afternoon.
Q. How far the ſecond day?
A. To Towceſter in Northamptonſhire, to the Saracen's head.
Q. What time did ſhe ſet out of St. Albans?
A. I fancy about ten or eleven o'clock in the morning.
Q. When did ſhe get into Towceſter?
A. About five.
Q. And ſtopt there?
A. Yes.
Q. What time did ſhe ſet out from Towceſter?
A. I think it was near twelve o'clock.
Q. How far did ſhe travel that day from Towceſter?
A. To Coventry.
Q. How many miles did ſhe go that day?
A. About thirty-four or five.
Q. Where did ſhe go from Coventry? and what time did ſhe ſet out?
A. About ten o'clock.

Q. How far that day?
A. To the Four Croſſes.
Q. That is an inn in Staffordſhire, I believe?
A. Yes.
Q. How far is that?
A. About forty miles.
Q. What time did ſhe ſet off the next morning?
A. About ten.
Q. What place did ſhe ſet out for next?
A. Whitchurch in Shropſhire.
Q. How far is that?
A. About thirty miles.
Q. Where then did ſhe go?
A. To Eaton.
Q. What time did ſhe get there?
A. Upon Saturday.
Q. What day did you ſet out from London?
A. Upon Monday afternoon.
Q. You ſtaid with your Lady at her ſeat in Cheſhire?
A. Yes.
Q. Did you obſerve any thing particular in her behaviour there?
A. Yes; ſhe walked out in very dirty weather.
Q. What time in the day?
A. About twelve or one o'clock in the day.
Q. Was it ſuch weather as made it remarkable?
A. It was very dirty weather, and the fields very dirty.
Q. Was it frequently ſhe walked out?
A. Yes; for a week after ſhe got down.
Q. Pray do you remember going into the fields with a meſſage to your Lady?
A. Yes.
Q. Can you remember what it was?
A. Some neighbour had ſent to know how ſhe did and the children.
Q. And you went to deliver this meſſage to her in the fields?
A. I did.
Q. Did you ſee any body with her?
A. Yes; a man was ſitting down with her, or lying down; I could not tell which.
Q. Did ſhe come to you from the perſon?
A. I ſaw her get up, and ſhe ran as faſt as ſhe could to take my meſſage, and then went to him again.
Q. Could you tell who that perſon was?
A. I thought it was the Duke of Cumberland; I had ſome trifling view of his face; it ſtruck me then that it was him, but I was not ſure.
Q. Where did the perſon ſtay while ſhe came to you?
A. While ſhe was running to me, I ſaw him go behind a tree; he rather went ſtooping to go behind the tree.
Q. Did you come with your Lady in her journey to London?
A. I did.
Q. Was you with her at St. Albans the 21ſt of December?
A. I was.
Q. Can you give an account of what you ſaw paſs that evening at St. Alban's?
A. Yes; I was informed by our Steward (Mr. Stephens) that there was ſomebody in my Lady's room with her; he called us up; we was all gone to bed; and he aſked me to go along with him; he heard two voices, and deſired me to come up to the door.
Court. When was that?
A. The 21ſt of December, my Lord.
Council. Mr. Stephens giving you this intelligence, you went up?
A. Yes.
Q. What happened then?
A. Mr. Stephens and his brother ſaid they could hear two voices in the room.
Court. Did you hear two voices?
A. I did not hearken my Lord, I was one of the laſt that came into the room.
Council. Was you preſent when the door was opened, how was that got open?

A. It was burſt open.

Q. Was you preſent?

A. Yes; and the firſt I ſaw was the Duke ſtanding in the middle of the room.

Court. Dreſſed?

A. Yes.

A queſtion from the Jury. What time of night?

A. About eleven o'clock; and Lady Groſvenor got into another room by an oppoſite door that led into it.

Q. What was the Duke about when you firſt ſaw him?

A. Buttoning his waiſtcoat.

Q. Was his waiſtcoat open when you went into the room?

A. Yes, Sir.

Q. Are you certain of it?

A. Yes; quite ſure of that.

Q. Did you obſerve Lady Groſvenor's dreſs?

A. Yes; ſoon after.

Q. What ſituation was her dreſs in?

A. Her neck was open.

Q. What dreſs was ſhe in?

A. I don't know the name; it buttons up cloſe, and cloſe at the wriſt.

Q. Are you certain it was made to button up cloſe at the top?

A. Yes, Sir.

Q. Was that the uſual way of wearing it?

A. I never ſaw it otherwiſe but that night.

Q. Do you recollect any thing that was ſaid by the Duke, or to him?

A. As ſoon as we got into the room, he was very much confuſed, and ſtood like a ſtatue; then he ſaid, Gentlemen, I hope you won't hurt me, or I hope you won't do me any harm; he was going out of the door we came in, and Mr. Stephens cried, ſtop that Gentleman, let us ſee who he is.

Q. What happened after that?

A. He went into an adjoining room, and as ſoon as he had got into another room he ſaid, you ſee, gentlemen, I am not in the Lady's room.

Q. What anſwer was made to that?

A. Mr. Stephens ſaid, I ſee you are not in the Lady's room now, but you was there.

Q. What did he ſay then?

A. He ſaid, I will take my Bible oath I was not there.

Q. Did you know the Duke's perſon very well?

A. I knowed him very well.

Q. What dreſs was it the Duke had on?

A. His coat darkiſh colour, his waiſtcoat light colour.

Q. What had he about his neck?

A. A ſilk handkerchief.

Q. What ſort of wig?

A. A black or dark wig.

Q. Did you ſee any thing elſe remarkable in his dreſs?

A. Whitiſh breeches and ſtockings, like thread ſtockings.

Croſs Examination.

Q. Was any body with Lady Groſvenor beſides her ſervants?

A. None but herſelf and her children.

Q. How many children?

A. Two.

Q. What age?

A. One two years of age; one under one.

Q. How near was you to the place where they were ſitting when you went into the field to her?

A. At firſt I believe it might be about a hundred yards.

Q. How near when ſhe came to you?

A. About twenty yards.

Q. Was you at St. Albans when the door was broke open?

A. Yes.

Q. How many perſons were there?

A. I think there were ſix.
Q. In what manner was the door broke open?
A. By our ſhoulders.
Q. Had you any inſtruments in your hands?
A. Nothing but a poker.
Q. Did all go into the room?
A. Yes, all together.
Q. You mentioned her Ladyſhip's neck was open?
A. Yes.
Q. Was it not ſuch a dreſs that if buttoned would fly back behind?
A. I don't think it would.
Q. Suppoſe for inſtance a coat, would it keep buttoned?
A. Yes.
Q. You ſaid you followed your Lady to Kenſington-gardens?
A. Yes.
Q. Who was with her in general?
A. Miſs Caroline Vernon was there.
Q. Can you give an account who came up into the room beſides you and the ſervants?
A. The chambermaid and waiter.
Plaintiff's Council. What time did the ſervants of the houſe come up?
A. It was after it was all over—before they examined the bed.
Q. Then the ſervants of the houſe came up before the bed was examined?
A. Yes, Sir.
Q. Then they were not preſent at the time the door was burſt open?
A. It was not all over; they were preſent at the examination of the bed.
Defendant's Council. Then the ſervants of the houſe came up in the middle, before the bed was examined?
A. Yes, Sir.

EDWARD BENNETT, *Examined.*

Q. Who do you live with?
A. Lord Groſvenor.
Q. How long have you lived with him?
A. Three years.
Q. Whoſe ſervant was you in the family?
A. I attend my Lord.
Q. Do you remember going with your Lady in 1768 from the opera to Carliſle-Houſe?
A. Yes; I remember it very well.
Q. Was it a public night?
A. No; it was private.
Q. What time of the year?
A. The month of June, 1768.
Court. She went to Carliſle-Houſe?
A. Yes, my Lord.
Q. How long did ſhe ſtay there?
A. About three quarters of an hour.
Council. Do you remember going with your Lady to Drury-Lane?
A. Yes.
Q. Who was with her there?
A. There was Lady Harrington.
Q. Who elſe beſides Lady Harrington?
A. There was the Duke of Cumberland and Colonel Craiggs.
Q. What time of the year?
A. In February, 1769.
Q. Do you remember any of them coming to the boxes?
A. I was keeping places in the play-houſe at Drury-lane houſe, and the Duke of Cumberland came to the box to me, and told me I might go out; he would take care of the box for Lady Groſvenor: then I went out, and as I came out, I met my Lady coming in; I told her Ladyſhip the Duke was in the box, and he would take care of her places.
Q. Do you remember going with your Lady to the Counteſs Donhoff's?

A. Yes.

Q. In what month?

A. In April or May; I cannot be ſure which.

Court. In April or May, 1769?

A. Yes, Sir.

Q. Go on?

A. I know my Lady uſed to go there; ſhe aſked if the Counteſs was at home; the perſon in the houſe ſaid the Counteſs was not at home; my Lady ſaid ſhe expected here at home, and ſhe would wait till ſhe came; ſhe got out of the coach and ſtaid in the houſe.

Q. Do you remember your Lady going to the Counteſs of Donhoff's, and the Counteſs going from her own houſe with her?

A. Yes, Sir.

Q. Where did they go from thence?

A. To St. James's.

Court. Who was that?

A. The Counteſs and my Lady Groſvenor; they got out of the coach about eight or nine in the evening at St. James's gate, and ſhe ordered the coach to come about eleven o'clock; the coach came, and I went to enquire if my Lady was at Miſs Vernon's; and as we were going, I met my Lady and the Counteſs, and ſhe ſaw me and my fellow-ſervant, and then they came to the coach.

Q. Did you attend my Lady Groſvenor at Cheſter?

A. Yes, Sir.

Q. Did you go with her?

A. Yes.

Q. Do you remember the places ſhe lay at?

A. Yes, Sir.

Court. He need not repeat them.

Q. Do you remember Lady Groſvenor coming from Cheſter?

A. Yes, Sir.

Q. And her being at St. Albans upon the 21ſt of December?

A. Yes.

Q. What happened there that night?

A. My Lady's ſupper was ordered about eight o'clock; and about three quarters of an hour after, the maid came into the room to us ſervants at ſupper, and ſaid, my Lady was going to bed; ſhe had a warming-pan in her hand; and ſhe ſaid, my Lady deſired we all ſhould go to bed; we went ſometime after; and I believe we had not been abed half an hour before we were called up.

Court. What time might that be?

A. About half an hour after ten.

Council. By whom were you called?

A. By Mr. Stephens.

Q. Go on.

A. I got up, and went into another room, where I ſaw Mr. Stephens, and his brother the ſerjeant; Mr. Stephens went down ſtairs with a dark lanthorn in his hand, and told us to ſtop till he had given the ſignal; and when he went down to the door, he put his ear to the door, and ſaid, he could diſtinguiſh two voices whiſpering in the room; upon which Mr. Stephens immediately gave orders we ſhould puſh the door with him, and we did.

Court. You burſt open the door?

A. Yes, my Lord, we puſhed three parts of the door before it gave way; as ſoon as we got in, the firſt perſon I ſaw was the Duke of Cumberland, ſtanding about the middle of the room.

A gentleman of the Jury. How long was you breaking the door open?

A. We puſhed three times, as hard as we could.

Juryman. That allowed time for them to come from the bed, my Lord.

Court. Was you a minute or half a minute?

A. I believe one or two minutes.

Court. It is very difficult for any man to meaſure time.

Bennett. When I went in, the Duke of Cumberland was buttoning his waiſtcoat; and at the ſame time, my Lady was making her eſcape; going into an oppoſite door; and as ſhe was going to open the door, ſhe turned herſelf round, and I ſaw her breaſt all bare; Mr. Stephens followed her into the other room.

Q. Did

Q. Did you go into the other room then?

A. No, Sir.

Q. Where was the Duke?

A. He was going away; and Mr. Stephens ſaid, Don't let that gentleman go by, till we know who he is; the Duke then went into the room with the Lady.

Q. Do you remember any further particulars?

A. I ſaw him put his two hands together, and he ſaid, He would take his Bible oath he was not in Lady Groſvenor's room.

Q. What then?

A. My fellow-ſervant then ſaid, I will take my oath I ſaw you both in her room; the Duke ſaid, Young man, have a caution of what you are going to ſay; that is all I remember at preſent; only Mr. Stephens aſked the Duke ſeveral times, who he was; and he would not tell him; then ſays Mr. Stephens, Sir, if you will not tell, I muſt let them know who you are; on which he ſaid to him, You are his Royal Highneſs the Duke of Cumberland; and then he turned to us, and aſked us, if we were ſure who it was? We all replied, it was his Royal Highneſs the Duke of Cumberland, and we would take our oath of it.

Q. Did Stephens bid you obſerve any thing elſe?

A. No.

Juryman. Did you ſee any body put their hand upon the bed, to ſee whether it was warm or cold?

A. No, I did not——after that, Stephens told his Royal Highneſs, he was welcome to go where he would; we came all out of my Lady's chamber, out of the other room, and we looked at the bed; Stephens called the maid; I obſerved the bed was tumbled on the outſide of the clothes; both ſheets were tumbled on the outſide of the bed; the bed-clothes were turned down.

Croſs Examined.

Q. Were the clothes unfolded?

A. No, Sir.

Court. Not turned down; but tumbled on the outſide?

Council. Was the bed turned down, or was it not?

A. No, Sir.

Q. Part of the ſheet that was turned over, I take it?

A. Yes.

ROBERT GIDDINGS *examined.*

Q. Are you one of the ſervants of the Duke of Cumberland?

A. Yes, Sir.

Q. What ſervant?

A. Gentleman porter to his Royal Highneſs.

Q. Do you know Lady Groſvenor?

A. I have ſeen my Lady.

Q. Pray Sir, do you recollect her going out of town?

A. No, Sir.

Q. Do you recollect her being at St. Albans in October?

A. In October? I don't recollect.

Council. In October, 1769?

A. I don't recollect ſhe was there then.

Q. Did you accompany the Duke of Cumberland there in October, 1769?

A. I did.

Q. What day in October?

A. I don't recollect the day?

Q. Do you know whether Lady Groſvenor was there, when you was with the Duke at St Albans?

A. I do not.

Q. Did you ſee any ſervants there, that you might know to be her ſervants?

A. I did not.

Q. What time did you and the Duke arrive there?

A. I don't recollect the time.

Q. Day or night?

A. It was in the afternoon.

Q. Was any body elſe with the Duke?

A. He had a ſervant with him.
Q. What is the name of him?
A. John.
Q. Has he no other name?
A. Swan—John Swan.
Q. Where is he now?
A. He is juſt here in the houſe.
Q. You can't ſay there was any of Lord Groſvenor's ſervants there that afternoon, or any in his livery?
A. I don't know there was any; I did not know his livery at that time.
Q. What time did you ſtay there?
A. We ſtaid all night.
Q. Did you not return to London?
A. I don't remember it; I made no minutes of it.
Q. Where did you go when you left St. Albans?
A. Went forward for Stony-Stratford.
Q. Immediately forward for that place?
A. Yes, Sir.
Q. Where did you lie the night after?
A. I don't recollect; I made no minutes of it.
Q. Have not you been at the place ſince?
A. I have.
Q. Within this fortnight?
A. Yes.
Q. Then I ſhould think you could tell the names of places; where did you lay the ſecond night?
A. At Towceſter.
Q. What time did you get into Towceſter?
A. Towards evening.
Q. Where did the Duke ſtay that evening? in what part of the houſe?
A. He dined below.
Q. What time did he dine?
A. I don't recollect the time he dined.
Q. How long did he ſtay in the room before he dined?
A. I can't ſay.
Q. Did he ſup in his bed-chamber?
A. I don't know whether he ſupped at all; he drank tea afterwards.
Q. Where did he drink tea?
A. I believe in his bed-chamber.
Q. Was there any thing particular in the bed-chamber?
A. I believe I chalked the door; it was done either by him or me before him; I made it a rule to chalk the door.
Q. What time did he go to bed?
A. I don't recollect the time.
Q. Upon your oath this evening did you put him to bed at Towceſter?
A. I don't recollect whether I did or not; I generally put him to bed.
Q. What time did he leave Towceſter?
A. It was early in the morning.
Q. What hour?
A. I don't recollect.
Q. Did the Duke paſs in his character of Duke of Cumberland at Towceſter?
A. No.
Q. What dreſs was he in?
A. In plain clothes; rather like a country farmer or ſquire.
Q. How was you dreſt?
A. I was dreſt much the ſame as the Duke.
Q. Did you give yourſelves any particular names, or paſs in any particular character?
A. I believe we might.
Q. Speak what they were?
A. Juſt what names came in my head; I was not ordered to give any particular name.
Q. Had you no orders to give fictitious names?

A. No.
Q. How came you to give them?
A. I gave them of my own accord.
Q. What name might you give his Royal Highneſs in Towceſter?
A. I don't recollect what.
Q. Nor what you paſſed for at Towceſter?
A. We might paſs ſometimes as farmers; but whether we did or not at Towceſter, I don't remember.
Q. Where did you go from Towceſter?
A. To Coventry, I think; or we returned to town.
Q. Was it day or night, when you ſet out from Towceſter for London?
A. I believe it was late in the afternoon.
Q. You ſay the Duke was in his bed-room; you can't ſay whether you put him to bed or not?
A. He was in his bed-room.
Q. You told me he ſet out early in the morning from Towceſter; can you fix the time he ſet out?
A. I don't recollect the time; it muſt be very early in the morning, but I don't recollect the time.
Q. Can you recollect the hour?
A. No.
Q. When did you get to town?
A. Some time the next day.
Q. What time? perhaps you might gueſs from that, what time you might ſet out of Towceſter?
A. It might be about eleven o'clock next day.
Q. How long did you ſtay in town?
A. A few hours.
Q. Was it a court day?
A. It was.
Q. What day was it?
A. I don't recollect what day, or what occaſion.
Q. Was it not in October?
A. I believe it was the latter end or beginning of October.
Q. Nor you don't know the occaſion of that court day?
A. No; I do not.
Q. Did his Royal Highneſs remain in town or at court any time?
A. Not very long; he went back the ſame road that evening.
Q. You went to Towceſter again then?
A. Yes, Sir.
Q. What time did you get to Towceſter?
A. That I don't know; we went on to Coventry.
Q. What time did you get to Coventry?
A. In the morning; it might be nine or ten o'clock.
Q. What houſe did you go to at Coventry?
A. The Bull-Inn.
Q. Did you make any enquiries for company that had been there?
A. I did not hear of any enquiry there.
Q. Did you make any enquiry?
A. I made enquiry for John Le Brun.
Q. Was he gone?
A. He was gone.
Q. Where to?
A. Caſtle Bromwich, in the road to Cheſter.
Q. Did you ſtop at Caſtle Bromwich?
A. We changed the horſes there.
Q. Where did you go to that night?
A. To the Four Croſſes.
Q. What time did you get to the Four Croſſes?
A. Early in the afternoon.
Q. What time in the afternoon?
A. I don't recollect what time in the afternoon.
Q. Did you ſtay there all night?

A. Yes.

A. Yes.
Q. Was the Duke incog. there?
A. The ſame as before.
Q. What did he paſs for there?
A. I don't recollect whether it was farmer, or what fictitious name I gave his Royal Highneſs.
Q. Did any other company lie at the Four Croſſes that night?
A. I believe none.
Q. I aſk you at the time if you knew there was any other company?
A. I believe none; I ſpent a good deal of time in my bed-chamber.
Q. Where did he paſs the evening?
A. In his own bed-chamber.
Q. And you can't ſay whether there was any other company in the houſe or not?
A. I can't ſay.
Q. Did you ſee any carriages or ſervants?
A. I don't recollect I did; there might be people there; and I could not tell who came afterwards, when I was up ſtairs.
Q. How came you to be ſo long up ſtairs?
A. I was fatigued.
Q. How ſoon did you go up ſtairs to relieve your fatigue?
A. After dinner.
Q. At what time did you leave the Four Croſſes?
A. The next morning.
Q. At what time?
A. It might be five, ſix, or ſeven o'clock.
Q. Did you recollect, at the Four Croſſes, ſaying any thing to the Duke of Cumberland with reſpect to the condition of his mind?
A. No; I did not—I might ſay any nonſenſe that came in my head.
Q. Do you know whether any mark was ſet upon the Duke's door, at the Four Croſſes?
A. I don't know; probably I might mark it; I believe it was.
Q. Did you, in the courſe of your journey, mark the room where his Royal Highneſs was to lie?
A. I believe we did, in order to know where it was in a long gallery from the reſt.
Q. When you went from the Four Croſſes in the morning, where did you get that night?
A. To Whitchurch.
Q. What Inn there?
A. The Red-Lion.
Q. What time might you get into that Inn?
A. What hour I don't recollect.
Q. Did the Duke dine in the inn; and in what room?
A. In the room below ſtairs.
Q. How long did he ſtay in the room below ſtairs?
A. That I don't recollect; it was fair time, and a hurrying time; and that was the reaſon he went into his bed-chamber as ſoon as he had dined.
Q. So he retired into his bed-chamber which was chalked as before?
A. Yes, Sir.
Q. Do you know whether Lady Groſvenor lay there that night?
A. I do not.
Q. What became of you there?
A. I likewiſe went to my room there too.
Q. Fatigued as before?
A. I did not chuſe to be among a thouſand country farmers.
Q. What might you paſs for there, if you did not chuſe to be among farmers?
A. We might paſs as farmers.
Q. Then you can't ſay whether Lady Groſvenor's carriage was there that night?
A. I ſaw nothing of that.
Q. Nor of the ſervants?
A. Nor of the ſervants.
Q. What time might you ſet off the next morning?
A. About five, ſix, or ſeven.

Q. At

Q. At five o'clock it is dark; at ſeven ſcarce light, I believe; can't you fix the time more preciſely?

A. I don't recollect.

Q. Where after Whitchurch?

A. At Barnhill.

Court. Where is that?

A. This is in the laſt day's journey.

Council. Lady Groſvenor got home that night.

Q. How long did you ſtay at Barnhill?

A. An hour; or an hour and an half.

Q. While there, did you ſee Lady Groſvenor, or Lady Groſvenor's ſervants?

A. A family went paſt while we were at Barnhill; he thought it was Lady Groſvenor's family.

Q. Where did you go next?

A. Next to Cheſter.

Q. What Inn did you go to at Cheſter?

A. The Faulcon.

Q. How long did you ſtay at the Faulcon-Inn?

A. Two nights.

Q. What time did you get there that day?

A. Pretty early.

Q. Did you dine there?

A. I don't recollect that.

Q. What became of his Royal Highneſs that night?

A. His Royal Highneſs went that night from thence to Eaton.

Q. Did he return to the Faulcon that night?

A. Yes, Sir.

Q. Was you with him?

A. I was.

Q. Did you go on horſeback?

A. Yes.

Q. Where did you ſtop at Eaton? what was your buſineſs there?

A. His Royal Highneſs went to ſee Lady Groſvenor.

Q. How long might he ſtay there?

A. A few minutes.

Q. Then you returned?

A. Yes.

Q. You came to the Faulcon?

A. Yes.

Q. You lay there?

A. Yes.

Q. What became of you the next day?

A. The next day he went to ſee Lady Groſvenor.

Q. Did he come back that night to the Faulcon?

A. Yes; we came back that night to the Faulcon.

Q. Do you know what his Royal Highneſs paſſed for there?

A. He paſſed for a farmer.

Q. Do you know the name you paſſed by there?

A. Generally Farmer or Truſty.

Q. What name did his Royal Highneſs paſs for?

A. I might ſay ſometimes Farmer; ſometimes the young Squire;—I might before company ſay Farmer.

Q. Did you chalk the door of the Faulcon where you lay?

A. I don't recollect whether I did or not.

Q. What became of you the next day?

A. I believe we went to Barnhill.

Q. Do you recollect the day?

A. It was Saturday.

Q. It was Saturday you got to the Faulcon at Cheſter?

A. It was on a Saturday.

Q. The next day he went to ſee Lady Groſvenor?

A. Yes, Sir.

Q. Upon the Monday what became of you?

A. I believe his Royal Highneſs ſaw my Lady Groſvenor again upon the Monday.
Q. You believe he ſaw her upon the Monday?
A. Yes, Sir.
Q. Where did you lie upon the Monday?
A. I believe at Cheſter or Barnhill.
Q. Where the next night?
A. At Marford-hill in Denbighſhire, the other ſide of Eaton.
Q. Did his Royal Highneſs go to the houſe of Lord Groſvenor?
A. His Royal Highneſs did not.
Q. Where did he ſee my Lady, then?
A. He ſaw her juſt between the iron rails of the Garden wall, where he ſtopt two or three minutes.
Q. And never went into the Garden that you know of?
A. No, Sir, never; I was always with his Royal Highneſs.
Q. No other time that you know of that he might go without you?
A. No; I was always with him?
Q. At Marford-hill; you lay at Marford-hill?
A. Yes.
Q. What became of you the next night? Where did you go the next day?
A. The next day his Royal Highneſs went to ſee Lady Groſvenor again.
Court. Where did he lie the third night?
A. At Marford-hill, my Lord.
Council. Did he ſtay two nights at the Hill?
A. Only one night; I don't remember ſtaying any longer than one night; then we returned to town.
Q. Was it a ſudden occaſion your returning to town?
A. It was ſudden; I thought his Royal Highneſs was known; and therefore I deſired him to quit the country as ſoon as poſſible; that I adviſed him, and he did it accordingly.
Q. That was the reaſon?
A. Yes.
Q. Do you know whether Lord Groſvenor came into Cheſter that evening or not?
A. No; I do not know of Lord Groſvenor's coming there.
Q. So then his being known was the reaſon? Where did you ſuſpect his being known?
A. At a little place called Eccleſton.
Q. And that was the reaſon of his coming to town?
A. Yes, Sir.
Q. How long did you ſtay in town before he went upon the Cheſter road again?
A. I don't recollect how long it was.
Q. How many weeks?
A. I cannot form any idea of that; I have quite forgot it.
Q. Can you ſay whether he did take that road again?
A. Yes; he did.
Q. In what month?
A. I believe it was in November or December.
Q. Did you go to Cheſter in your ſecond journey?
A. His Royal Highneſs came through Cheſter to Marford-hill.
Q. When did he arrive at Marford-hill?
A. I don't recollect the day, nor the time.
Q. Was it in the evening or morning he arrived?
A. In the morning.
Q. Do you know what became of his Royal Highneſs that day?
A. He went to ſee my Lady Groſvenor that day.
Q. Did he go to my Lord's houſe at this time?
A. He went into the fields not far from the houſe.
Q. Did he or not go into the houſe at any time?
A. He did not go into the houſe.
Q. Where did he lie that night?
A. His Royal Highneſs returned and lay at Marford-hill.
Q. What became of him the next morning?
A. The next morning we ſaw Lady Groſvenor again, near the ſame place.
Q. Where did you lie that night?

A. We

A. We returned to London.
Q. Were you at Eaton?
A. We were in the fields near my Lord's houſe.
Q. Was you at any houſe there?
A. We called at Eccleſton.
Q. At the ſame houſe where you was before?
A. Yes.
Q. Where you ſuſpected you were known?
A. Yes.
Q. And you called at the ſame houſe again?
A. Yes.
Q. Then you returned to London from Marford-hill?
A. Yes.
Q. Do you recollect receiving any letter from Lady Groſvenor?
A. I did once.
Q. What time was this?
A. It was in the latter end of December.
Q. How came you there then? I thought you accompanied the Duke to town?
A. I was ſent back with a parcel to Lady Groſvenor.
Q. Did you carry that parcel to Lord Groſvenor's houſe?
A. No; not to the houſe—I ſaw the Lady walking in company with more ladies in the fields, and there I delivered the parcel to her in the fields.
Q. Did you find her in the fields going there?
A. I ſaw her as I was going over the ferry.
Q. For whom was the parcel directed?
A. I obſerved it was a parcel undirected.
Q. At that time?
A. At that very time; and I received a parcel from the Duke.
Q. You received another in the fields for whom?
A. For the Duke of Cumberland.

Croſs Examination.

Q. I ſhould be glad to learn of you when it was you firſt found Lady Groſvenor had any thing to do with the Duke's journey into Cheſhire?
A. Near Eaton, between that and Barn-hill.
Q. Till you got to ſome place in the road about Barnhill, it had not been communicated to you that the Duke's journey had any relation to Lady Groſvenor?
A. No, Sir; there he told me he went to ſee Lady Groſvenor, if it was poſſible.
Q. There it was for the firſt time you learnt that the Duke's journey was for the purpoſe of ſeeing Lady Groſvenor?
A. Yes, Sir.
Q. During two days the Duke was at Cheſter, you ſay, and one or two days at Marford-hill, and again upon the ſecond journey, I believe, upon each of theſe days the Duke ſaw Lady Groſvenor, at one time a few minutes near the garden, at another time in fields near the houſe?
A. Generally in the foot-way near the houſe.
Q. The other times in the fields in the neighbourhood of the houſe?
A. Yes.
Q. I ſhould be glad to aſk whether, during thoſe interviews, you was or not within ſight of Lady Groſvenor and the Duke?
A. I always was.
Q. Within ſight and within hearing?
A. Yes; and oftentimes, if I was going further, ſhe bid me ſtay where I was, and ſtand by him.
Q. Having returned from theſe two expeditions, you went down with a parcel, and brought back a parcel?
A. Yes, Sir.
Q. I believe the fact was, you accompanied the Duke upon his laſt journey onwards, which terminated at St. Albans?
A. Yes, Sir.
Q. During theſe interviews, were they walking about, or ſometimes ſitting down?
A. Sometimes walking, ſometimes ſitting on the ground.

Q. In all thoſe ſituations you was with him?
A. Yes; always.
Q. You went to St. Albans with the Duke the laſt time?
A. Yes, Sir.
Q. Perhaps you recollect, that there have been ſome ſtrange ſtories in the Newspapers about a ſuppoſed connection between the Duke and Lady Groſvenor about that time?
A. His Royal Highneſs told me there was ſuch report.
Q. Do you recollect that ſome little time before you got down?
A. Yes, Sir.
Q. By this time you was fully apprized of the ſecret, that the Duke had a degree of attention to Lady Groſvenor?
A. Yes, Sir.
Q. You underſtood he went there on purpoſe?
A. Yes, Sir.
Q. When you came there you ſaw the family?
A. I can't ſay I did; I ſaw nothing of them at Eaton.
Q. Do you know their livery?
A. I know it to be blue and yellow.
Q. The laſt time you ſaw them at St. Albans you knew they were in the houſe?
A. Yes; I learned ſometime afterwards, that Lady Groſvenor was there.
Q. Did you make any obſervation of what was going forward, or doing, in the courſe of the evening there? my queſtion was not what any body told you, but what you obſerved?
A. No other than that his Royal Highneſs went there to ſee her.
Q. Did you take notice of any thing particular before that breaking into the room we have heard of?
A. Yes; I ſaw a man at the door making holes through it; I obſerved him, and told his Royal Highneſs, that there was a perſon in blue, boring holes in the door.
Q. You obſerved a man, in a blue coat, boring holes in the door?
A. Yes, Sir; and his Royal Highneſs ſaw it as well as I.
Q. What time of day might that be?
A. It might be about nine or ten o'clock in the evening.
Q. Can you tell exactly the time?
A. I don't know exactly what time.
Q. It was before the adventure of what afterwards happened at the door?
A. Yes, Sir.
Q. Now, Sir, where was you at the time we are told my Lord Groſvenor's ſervants firſt opened this door?
A. I was in bed.
Q. You was alarmed by the noiſe, and got up?
A. I did; I thought the houſe was coming down.
Q. Where were the parties when you got up?
A. The parties were in Lady Groſvenor's bed-chamber, with ſome of her own ſervants, and ſome of the maids in the houſe.
Q. You found in the bed-chamber, the ſervants of Lord Groſvenor, and a ſervant or two of the houſe?
A. Yes.
Q. Were neither the Duke nor Lady Groſvenor in the houſe?
A. The Lady was in the bed-chamber at that time.
Q. Then the Duke was not in it at that time?
A. No.
Q. Was you led to obſerve the condition of the bed at that time?
A. Yes; I heard two perſons bid the ſervants of the houſe examine the bed, to ſee whether it was tumbled or not.
Q. What was the condition of the bed?
A. It was as if one perſon had ſat upon it to pull off their ſhoes, and no more.
Q. To you it had the appearance of a perſon ſitting upon it, for the purpoſe of undreſſing?
A. One perſon and no more.
Q. Had it the appearance of having been lain in?
A. Not the leaſt in the world.

Q. To

Q. To you it had the appearance of a perſon preſſing it, by ſitting, and not by lying?

A. Not by lying.

Q. Was any thing diſordered about the bed, that took your eye?

A. No, Sir.

Q. Nothing, but the preſſure of the clothes, by ſomebody's ſitting upon it?

A. No, Sir.

Q. What door was it the gentleman in blue was boring holes in?

A. That door was the door I underſtood was Lady Groſvenor's bed-chamber.

Q. Was it the outer door?

A. It was the door next the paſſage.

Q. How was the perſon dreſt that was boring the holes?

A. I think in blue, and a ſcarlet collar.

Q. Had he a candle in his hand?

A. I believe he had.

Q. Where was you?

A. In the Duke's room.

Q. Could you ſee the window?

A. Yes; I ſaw through both the windows the man boring holes in the door.

Q. Did you ſhew that to the Duke of Cumberland?

A. I ſaw him go into the room; I ſaw him examining the lock of the door.

Q. Was he alone?

A. I ſaw but one man.

Q. And this was the door which was afterwards burſt open?

A. Yes, Sir.

JOHN BURTON *examined.*

Q. Are you the waiter at the Saracen's-Head, at Towceſter?

A. Yes, Sir.

Q. Do you recollect Lord Groſvenor's family being at the inn, at Towceſter, the 13th of October, or thereabouts?

A. Yes, Sir.

Q. Do you recollect what day?

A. It was upon a Tueſday in October.

Q. What time of the day did they come in?

A. About five o'clock, to the beſt of my remembrance.

Q. Do you recollect any other perſons in the houſe that day?

A. Yes; ſome gentlemen came in about two o'clock.

Court. The laſt witneſs proved the Lady was there at the time with thoſe perſons.

Council for the Plaintiff. Your Lordſhip ſees Giddings knows nothing of the matter.

Court. I thought you proved by the firſt ſervant, her lying at Towceſter?

Council for the Plaintiff. We could not fix the days; ſo we muſt ſhew they were at the inns at the ſame time.

Q. to the Witneſs. Give us an account what time they came in?

A. They came in about two o'clock; they ordered pork ſtakes for dinner; and while they were dreſſing, they deſired to ſee their room.

Court. What is this witneſs to prove?

Council for the Plaintiff. The circumſtances of their journey; when they came in; and when they went up ſtairs; and ſo on.

Court. If it goes to the fact of ſeeing them together, it would be material evidence; if it only goes to their being at Towceſter, Coventry, and the other places, it is not material, as that is ſufficiently proved already.

Council for the Plaintiff. It will be for the conſideration of the jury, what is the effect and manner in which the Duke and Lady Groſvenor behaved, different from what we could poſſibly learn from ſuch a witneſs as Mr. Giddings.

Q. to the Witneſs. You ſay they came in at two o'clock?

A. Yes; and two of them dined below; and while they were at dinner they deſired that there might be ſome ſtakes ſent up ſtairs to the third perſon; two were in the parlour, and he was writing above ſtairs, and for that reaſon they deſired it to be carried up.

Q. Do you know who thoſe perſons were?

A. One I am confident I have ſeen ſince; I think I have ſeen two of them; I am certain I have ſeen one of the perſons twice or three times; I am quite clear to two perſons.

Q. Who was the perſon you ſaw ſince, that was one of the perſons?

A. One of the perſons whom I am certain I have ſeen ſince, I underſtand to be one Giddings; the other I think was his Royal Highneſs the Duke of Cumberland.

Q. What time did they go away from Towceſter?

A. As ſoon as they had dined they went up ſtairs; as it was night the machines were going away, I aſked them if they ſhould have occaſion for the parlours, they ſaid no. While I was waiting at ſupper, the perſon I ſuſpected to be his Royal Highneſs, aſked me what company we had in the houſe; I acquainted him we had two machines and Lady Groſvenor. He then aſked me where we uſually laid our paſſengers that came in the machines; I told him it was according to their appearance, if genteel people they lay in genteel beds, if not, otherwiſe.

Q. Was Giddings with the Duke at the time you told him Lady Groſvenor was in the houſe?

A. Yes; he was.

Mr. Wedderburn. My Lord, I hope that will not be thought an immaterial circumſtance, after Giddings's evidence, who ſaid he did not know Lady Groſvenor to be there.

Q. When ſupper was done, what time did they go off?

A. They ſaid they expected a farmer to meet, and pay them ſome money, and they ſhould go away at twelve o'clock if the perſon they expected did not come; they ſhould want a chaiſe, and aſked if they could have one; they were anſwered in the affirmative; the horſes were harneſſed, and between twelve and one o'clock they ſet off, as I was informed.

Mr. Dunning. All that proves what has been proved already, their being at Towceſter, Coventry, and every other place upon the road.

Court. Whether he ſpeaks true or falſe with regard to his knowing it or not, it will not vary Giddings's evidence, for he is took throughout, and you can't call a witneſs to contradict him.

Mr. Wedderburn. If it was to contradict him in ſuch a caſe as this, it always ſupplies the reſt of his teſtimony, ſuppoſing Giddings heard it, and did not know it.

Court. He ſpoke out to more material points where he did know.

JANE CHARLTON *examined.*

Q. Where did you live in October laſt?

A. At the Four Croſſes.

Q. Do you remember upon the 26th of October laſt, or thereabouts, any perſon coming to your houſe that you remarked particularly?

A. Yes, Sir.

Q. Be ſo good to ſay who they were, and who they appeared to you?

A. They appeared like a gentleman and two ſervants.

Q. Can you deſcribe them?

A. One was a luſtyiſh man, the other a young man.

Q. When the gentleman and two ſervants came, who did they ſay they were?

A. They did not ſay any thing at firſt.

Q. Tell us what they ſaid to you?

A. The ſervant ſaid his name was Morgan.

Q. Do you know the gentleman? Have you ſeen him ſince? Who was that gentleman?

A. His Royal Highneſs the Duke of Cumberland.

Q. Who did they ſay they were?

A. The ſervant told me the young gentleman's name was Morgan.

Q. What were their names, the other two?

A. They did not tell me who they were.

Q. How long did they ſtay at the houſe?

A. Till five o'clock the next morning.

Q. Who ſhewed them their rooms?

A. I did.

Q. Be ſo good to ſay what paſſed upon your ſhewing the rooms?

A. Nothing in particular, as I know of.

Q. Do you remember whether there was any other family in the houſe that night?

A. There was.
Q. What family was that?
A. Lord Groſvenor's.
Q. Was Lady Groſvenor there at that time?
A. She was.
Q. In the houſe at that time?
A. Yes.
Q. What time did Lady Groſvenor come?
A. About four or five o'clock.
Q. What time did the Duke come?
A. The Duke came in about two o'clock.
Q. Where was the Duke when Lady Groſvenor came in?
A. In his bed-chamber.
Q. When did he chooſe his room?
A. The Duke had choſen his bed-chamber before ſhe came.
Q. Where did Lady Groſvenor lay?
A. In the next room.

JANE RICHARDSON *examined.*

Q. Where did you live in laſt October?
A. At the Red Lion at Whitchurch.
Q. Do you remember upon Friday the 27th of October what company was in your houſe?
A. Yes, Sir; there came three gentlemen in.
Q. What time in the day?
A. I believe about two o'clock.
Q. Do you know who they were?
A. One was his Royal Highneſs the Duke of Cumberland.
Q. By what name did he go at Whitchurch?
A. The old man that was with him told me he was a young Squire, and he was an elderly man and a tutor to take care of him.
Q. What was the reaſon he wanted care to be taken of him?
A. He told me he was fooliſh, my Lord.
Q. Was there any other company in the houſe?
A. Another man came with him.
Q. Was there any other family in the houſe?
A. Yes, Sir; Lord Groſvenor's family, and Lady Groſvenor.
Q. What time did her Ladyſhip come in?
A. About five o'clock, I believe.
Q. Had the Duke choſen a bed-chamber before Lady Groſvenor came in?
A. Yes; and they chalked the door, Sir.
Q. Did Lady Groſvenor chuſe her own bed-chamber?
A. Yes, Sir.
Q. What room did ſhe chuſe?
A. The next to that that was chalked. She was ſhewn the beſt room next the dining-room.
Q. Was that the bed-room then?
A. She choſe a very bad room, that was damp, and the windows were broke, and it was very noiſy.
Q. Did you tell her Ladyſhip thoſe circumſtances?
A. I did. Her room was backwards, and part of it was over a gateway, and part over a parlour.
Q. Did you obſerve in particular any thing after they were retired to their rooms that night?
A. I ſaw nothing in particular.
Q. What time did her Ladyſhip go to bed?
A. I fancy it was between eight or nine; it was before nine.
Q. What time did you ſay the Duke of Cumberland went to bed?
A. Some body rang a bell to take the things away, and I never ſaw them afterwards.
Q. What time?
A. About four or five o'clock.
Q. Did you obſerve any thing particular after the things were taken away?

A. No.

A. No.
Q. What time did her Ladyſhip retire to bed?
A. Before nine o'clock.
Q. After this, did you obſerve any thing in the houſe particular?
A. I never ſaw her Ladyſhip any more after ſhe aſked me to ſhew her into her bed-chamber.
Q. Was any body with her in her bed-chamber?
A. No, Sir.
Q. After that did you obſerve any thing in the houſe?
A. Yes, Sir. There was a noiſe in the houſe in the paſſage, like a ruſtling of cloaths.
Q. Did you go to obſerve what was the matter?
A. I went to ſee, and the room where the Duke lay was open.
Q. Did you go up ſtairs?
A. I was up ſtairs.
Q. Well, what happened then?
A. I went and locked myſelf in, and ſhut the door immediately, being afraid of harm.
Q. What did you ſay you heard?
A. I heard a ruſtling of cloaths in the paſſage.
Court. Has ſhe ſaid what that ruſtling was?
Witneſs. It was a ruſtling of cloaths in the ſame paſſage; they did not go by the door where I was, neither up ſtairs nor down.
Q. But it was in the paſſage?
A. Yes, Sir.
Q. What time did the Duke and his company go away?
A. I can't tell, I believe it was before it was light.
Q. Who made the Duke's bed the next morning?
A. I did.
Q. Did you obſerve any thing in the bed?
A. Yes, it was particularly tumbled, and more ſo than could be by one man; it was more tumbled than ever I ſaw; it was not as if it had been left after any body lying.
Q. Did you obſerve any thing more particular in the bed?
A. When I went to take the cloaths off I found ſome pins in it, but I cannot tell how many.
Court. Was that in the Duke's room?
A. It was; the upper ſheet was all in a ruck together, and there was ſeveral pins, but I cannot tell how many.
Q. Where were thoſe pins?
A. I obſerved them between the ſheets.
Q. Did you obſerve any thing elſe particular but its being much tumbled and diſordered, and the pins in it?
A. No, Sir.
Q. What time did her Ladyſhip go out that morning?
A. She had her breakfaſt in bed at eleven o'clock.
Q. Did ſhe appear to be in good health when ſhe came in the night before?
A. Yes, Sir.
Q. Did you look at my Lady's bed, did you make that?
A. Yes; but I did not ſee any thing particular in that.

Croſs Examination.

Q. You ſaw my Lady was in bed next morning?
A. Yes, Sir.
Q. She lay in a damp bed, did you ſay?
A. The room was damp.
Q. Did you ſay the pins were between the ſheets?
A. The upper one, Sir, was all in a ruck, and the pins within them.
Q. Where did the ſervants lay? Who lay in the next room upon the other ſide behind the Duke's bed?
A. Mr. Stephens and the cook.
Q. They are ſervants of Lady Groſvenor?
A. Yes; and that is on the other ſide of the paſſage.

Q. You ſaid that was the room Stephens and the cook lay in, next to Lady Groſvenor's, upon the other ſide of the paſſage, do you mean by that oppoſite?
A. No.
Q. Whereabouts was it?
A. It was the neareſt room upon the oppoſite ſide.
Q. Any body coming into my Lady's room, or the others, muſt have come into that paſſage?
A. Yes.
Q. Which door was the neareſt?
A. They both go in the ſame ward together.

MARY SPENCER *examined.*

Q. Do you live at Whitchurch?
A. Yes, Sir.
Q. Upon the 22d of laſt October, do you know of any perſons coming to your houſe?
A. Yes, Sir.
Q. Your inn is the Red Lion at Whitchurch?
A. Yes, Sir.
Q. About what time of the day did they come?
A. A little after two o'clock.
Q. Do you know the perſons that came there?
A. No, Sir, I do not.
Q. Can you deſcribe them?
A. Yes, Sir.
Q. Pleaſe to give an account?
A. He was a young man.
Court. What is this witneſs to prove?
Plaintiff's Council. This witneſs is only to confirm the laſt witneſs in ſeveral circumſtances.
Q. You know when they were chuſing their bed-rooms?
A. Yes, Sir.
Q. What obſervations did you make at that time?
A. They chalked the door.
Court. The porter has proved that they chalked all the doors till they came to Cheſter. What occaſion is there to aſk twenty witneſſes to that? no body doubts what he ſays againſt himſelf.

JOHN JONES *examined.*

Q. Where do you live, Mr. Jones?
A. At Marford Hill.
Q. Do you keep a public houſe there?
A. I do.
Q. Do you know the Duke of Cumberland?
A. I do.
Q. Was he ever at your houſe?
A. Yes.
Q. Do you recollect the firſt time the Duke of Cumberland was at your houſe?
A. Yes, Sir.
Q. What day was that?
A. The firſt of November.
Q. That was the firſt time you ever ſaw his Royal Highneſs?
A. Yes, Sir.
Q. What time did he ſtay till?
A. He ſtaid till the ſecond.
Q. Was he ever there again?
A. He was.
Q. When?
A. Upon the ſecond of December. It was on Saturday month he went away. He came a Saturday about a month before.
Q. How long did he ſtay upon that occaſion?
A. Till the third.

Q. In what habit did he appear?
A. He appeared in a coarſiſh cloth, in the habit of a farmer.
Q. What day?
A. The third.
Q. Pray who was he attended by at that time?
A. He was attended by one Giddings.
Q. Have you ſeen him ſince?
A. I have.
Q. Who elſe?
A. I don't know; there were two with him.
Q. You don't know where he went from your houſe each time?
A. No, I do not.
Q. Did he go by any name?
A. The Duke went by the name of the young Squire, or farmer, in diſcourſe; when his back was turned he went by the name of the young Squire by Giddings; but when preſent, he would be called nothing but farmer in diſcourſe.
Q. How far is your houſe at Marford Hill from Lord Groſvenor's ſeat?
A. I believe about five or ſix miles.
Q. When did they go away from your houſe the firſt time you went down?
A. The ſecond of November, which was upon a Thurſday.

JOHN ANDERTON *examined.*

Q. Do you live with Lord Groſvenor?
A. Yes, Sir.
Q. Where do you live with him?
A. At London.
Q. Did you live with him in 1769?
A. Yes, Sir.
Q. Do you remember his Lordſhip's coming down to Eaton in November?
A. Yes, Sir.
Q. Do you remember what day it was?
A. The third of November, to the beſt of my knowledge.
Q. Had you any orders about any horſes?
A. I had orders to ſend horſes when I came from New-Market with the ſaddle horſes. I fancy it might be about twelve horſes. I got down about the ſecond of November, and ordered the horſes to meet my Lord the third, at Whitchurch, about nine or ten o'clock, and he came down accordingly.

MATTHEW STEPHENS *ſworn. Examined by Plaintiff's Council.*

Q. I believe, Sir, you were at St. Albans when this affair happened, do you recollect the day?
A. The 21ſt of December.
Q. How came you to go to St. Albans?
A. I was attending Lady Groſvenor from Cheſhire.
Q. You came along with her from Cheſhire?
A. Yes, Sir.
Q. Now, Sir, will you give an account of what happened at St. Albans, after you came there in your journey to London; what ſuſpicions you had, and the ground of them, and what you did in conſequence of it?
A. I had a great many reaſons for ſuſpicions from information.
Q. What time did you get into St. Albans?
A. It was about ſix o'clock when we got into St. Albans.
Q. Was any other company in the houſe?
A. When I got in, I enquired, and found there was two gentlemen; I had great reaſon to ſuſpect, from the informations we had had, it was his Royal Highneſs the Duke of Cumberland, and two attendants.
Q. In conſequence of theſe ſuſpicions what did you do?
A. I took the firſt opportunity of examining the room where Lady Groſvenor lay, or was to lay, and in order to make a diſcovery of what I ſuſpected, I bored two holes in the chamber door, and thoſe two holes I ſtopt up with paper, and examined the ſituation of the room, and the room adjoining to it, and then went down to the Bull,

to inform my brother John Stephens of what I had done. I came up again from the Bull, and went in with a diſh of meat for her Ladyſhip's ſupper.

Q. You came back again with your brother?

A. Yes. I made a miſtake with regard to boring the holes. I took an obſervation of the room, and went down to my brother and informed him of the ſituation and enquiry I had made, and how I found it, and I aſked his opinion how we were to go on; and while her Ladyſhip was at ſupper, I took the opportunity of boring the holes in the door; after I came down again, I went again and informed my brother what I had done; then I made a negus for her Ladyſhip, which I generally did after ſupper; when I went to carry it into the parlour to her Ladyſhip, I was informed ſhe was gone up ſtairs.

Q. What time might this be?

A. This might be about eight, or half after eight, or pretty near nine. When I carried the negus up ſtairs, I had took it to the nurſery door, and knock'd at the door; ſome body anſwered me that her Ladyſhip was not there; in the mean time her Ladyſhip opened the door of her bed-chamber, and called to me, and ſaid ſhe would take the negus into her bed-room; I gave it her; ſhe went in and turned the key of the door; I gave directions for all the ſervants to go to bed, and bid the maid of the houſe be quiet, and gave them as a reaſon the children might not be diſturbed. I then went down to the Bull again, and informed my brother what was done, and brought him up from the Bull with me, after ſtaying half an hour, and carried him up ſtairs where her Ladyſhip lay, and in going up, ſhewed him the door of her Ladyſhip's bed-chamber, which had two holes bored in it, and bits of paper in it: when I was up ſtairs, John Anderton, his Lordſhip's groom, being entruſted with part of the buſineſs, was in the room with my brother and me; we agreed I ſhould go down to the door and ſee who I could ſee or hear, which I did accordingly; and taking the bits of paper out of the door, I could not ſee any body; I could ſee the door oppoſite to a part of the bed, a ſmall part of it; I plainly diſtinguiſhed two voices, one of which I knew perfectly well to be Lady Groſvenor's, but in ſuch a low whiſpering, as I could not poſſibly diſtinguiſh one word; I heard another voice, but was not certain of that voice, till I came down again a ſecond time: I told my brother I thought his Royal Highneſs was there; my brother told me the fatal conſequence of making ſuch a thing publicly known: he went down and returned, and told me he heard voices, but could not diſtinguiſh from where they came; I told him I was ſurprized he was ſo deaf, and he complained to me he had a cold in his head; I went down again and heard the voices as before, and now and then I heard her pretty loud, but I heard a great deal of his voice louder than before; I heard him talk I was ſure once in particular; I went up again.

Court. Did you diſtinguiſh any word that was ſaid?

A. No, my Lord, not one word. My brother repeated the reaſons he had given me before, and at the ſame time John Anderton informed me, that his Royal Highneſs, or rather the two gentlemen, had ordered a chaiſe at two o'clock; that determined me, as I had reaſon to believe he had been in the room ſome time, that determined me the breaking open the door, as I was convinced his Royal Highneſs was there: I told my brother I would go down down a third time; I did ſo, and heard the voices as before, but could not ſee them; I then inſiſted upon it, I would take the matter upon myſelf, I was quite clear, he might make himſelf eaſy, and I went and called up the footmen; they all got up readily; I informed them of part of the buſineſs, they were ſatisfied at that I believe: as we came down ſtairs I ſaid, I ſhall be very cautious, don't come till I have made an obſervation again; if I find the voices as before, do you come on; they did come on, I finding the voices as before, and then we broke open the door.

Q. Was the door faſtened?

A. The door was faſtened, but I believe one or two of the evidence can ſpeak more preciſely to that than I: the door was broke open, and broke at the hinges; I expected it to go at the lock; the firſt object that ſtruck me when I came into the room was Lady Groſvenor, who ſtruck me the ſtrongeſt; I was directly oppoſite her Ladyſhip, attempting to eſcape out of the other door; his Royal Highneſs ſtood a little on one ſide; I had took particular care to ſecure the door that he might not go, but I recollect ſomething of ſaying, Stop that gentleman. The door breaking open, as ſoon as we entered ſhe was turned about her face towards us, and ſhe inſtantly fell as the door opened two or three ſteps into the adjoining room; I aſſiſted her Ladyſhip at getting up; ſhe ſaid, You thief, you have done a very fine thing; I told her Ladyſhip I was extremely ſorry for the occaſion, and ſhe ſaid, I dare ſay you are; the Duke endeavoured

to

to paſs by my left ſide, and did get further paſt me, and ſpread out his hands and ſaid, Gentlemen, you ſee I was not found in the Lady's bed-chamber; I ſaid, You are not there now, but we did find you there, or we ſaw you there, I can't fix to the very word; his Royal Highneſs anſwered me, (I think it was about that time, in anſwer to my ſaying we ſaw you there, he ſaid,) I will take my Bible oath I was not there; I anſwered again, We ſaw you there. His Royal Highneſs expreſt a great deal of fear and horror, and ſeemed to be apprehenſive of ſome danger to his perſon, and ſaid ſomething to me; I told his Royal Highneſs, You may be perfectly eaſy, your perſon is perfectly ſafe, or words to that effect; he ſeemed a little eaſier: then I demanded of him who he was, and what buſineſs he had there; he made me no anſwer to that, and I repeated it; he ſaid if I would walk with him into another room he would tell me; I ſaid I want to know who you are, and it will better be done here: I turned about to my brother and ſervants upon the left hand of me, and ſaid, Do you know who this gentleman is? my brother ſtept forward and ſaid, I know him very well to be his Royal Highneſs the Duke of Cumberland; I aſked if he would ſwear it was him, he ſaid he would: I then told his Royal Highneſs he was at liberty to go where he pleaſed, I was very ſorry to be employed in ſo diſagreeable a buſineſs, and his Royal Highneſs was at liberty to go where he pleaſed.

Q. Did you make any obſervations about the bed?

A. Yes. After this was decided, my brother walked to the fire firſt, I think, and then towards the bed, and ſaid it was neceſſary to make ſome obſervations of the bed; we looked upon it, and the curtains were about a yard and half undrawn, and all drawn except that part; the bed was preſt to the foot, and very near the bolſter, but within about ſix inches of the top of the turn-down, from the bottom of the bed to the top of the turn-down the ſheets or within a few inches of that, was tumbled as much as a bed could be, if there had been a great deal of time taken about it. The ſheets, which I think were very fine ones, were turned down very low, as for people of faſhion they commonly are, and they were tumbled to a great degree. The maids came in, the chamber-maid and Mrs. Langford, the miſtreſs of the inn; I aſked her what ſhe thought of it; ſhe ſaid ſhe could ſee no impreſſion but of a perſon ſitting down; I ſaid this is not ſo, but like the ſame all over; and if I recollect, I ſat upon the ſide of the bed to convince her that the impreſſion of ſitting down was very different. I took notice of a dent at the farther ſide of the bed, which I took to be the impreſſion of a head; it laid lower than any other part of the farther ſide: theſe were all the obſervations then made upon it; after that I went into the paſſage: I don't recollect any thing elſe material.

A Juryman. I ſhould be glad if your Lordſhip would aſk that witneſs when he bored the holes in the door, whether he had a candle with him or not?

Court. He bored the holes when ſhe was down at ſupper, as I underſtood.

Q. *to the Evidence.* Was it not ſo?

Stephens. Yes, it was ſo.

Juryman. I thought it proper to aſk if he had a candle, as Giddings ſpoke of ſeeing him.

Court. Do you know if there was any candle in the room or paſſage when you bored the holes?

A. I don't recollect whether I carried any candle; there was a light from the fire I remember perfectly well; I went within ſide the room.

Q. Can you remember if you was in a blue coat?

A. I was, my Lord.

Juryman. Do you know where Giddings lay?

A. I was not ſure.

Q. Does that room command the place where you ſtood to bore the holes?

A. There is a window in the room that Giddings lay in; I don't know whether it does not in ſome degree; it is a ſlanting view of the window in the paſſage, I believe, but I am not quite ſure.

Croſs Examination.

Q. Are you acquainted with a lady of the name of Alice Williams?

A. No. I don't know no lady of that name.

Q. Do you know a lady of the name of Charlotte Gwin?

A. No. To the beſt of my recollection I do not.

Q. In 1765, or 1766, was you acquainted with thoſe ladies?

A. It is poſſible I might know them without knowing their names.

Q. You never knew a lady called by that name?

A. Not

A. Not that I recollect.

Q. Do you know Mrs. Collier that keeps an inn at Cheſter?

A. I did know there was ſuch a woman kept ſuch an inn.

Q. What inn was it?

A. The Faulcon.

Q. Do you remember carrying a letter to a lady there named Gwin, from Lord Groſvenor?

A. I remember carrying ſome ſuch a thing to a lady at the Faulcon.

Q. From whom was that meſſage carried?

A. From Lord Groſvenor.

Q. What might be the meſſage?

A. It might be a letter that his Lordſhip wanted to ſpeak to her.

Q. Did you hear for what purpoſe the lady came there to the Faulcon at Cheſter?

A. No, Sir.

Q. Did you know from whence ſhe came?

A. I did not know from whence ſhe came.

Q. Do you know what place ſhe went to from Cheſter?

A. I believe there is a houſe near Cheſter called the Caſtle, belonging to Lord Groſvenor, and the lady went there according to the meſſage I had taken, to meet my Lord Groſvenor.

Q. Where did ſhe go to Lord Groſvenor?

A. To the Caſtle.

Q. Did you go with her, or meet her there too?

A. I was there about the ſame time ſhe was, but did not go with her.

Q. What was the purpoſe ſhe met Lord Groſvenor for at the Caſtle? Did you leave them together at the Caſtle?

A. I believe ſhe might ſtay at the Caſtle about ten minutes, not more.

Q. Was you with her during that time?

A. No; I was not.

Q. Did you introduce her to Lord Groſvenor?

A. I introduced her into the houſe.

Q. Did you conduct her into the room where Lord Groſvenor was?

A. I conducted her into a room where my ſiſter-in-law was; I believe I told her there was a perſon come to ſpeak to Lord Groſvenor, and deſired my ſiſter would go out of the room.

Q. In order to make room for Lord Groſvenor to come in?

A. Yes, Sir.

Q. Do you know what this lady's buſineſs was?

A. I did not, nor I do not.

Q. You ſay ſhe ſtaid about ten minutes at the Caſtle?

A. I believe ſhe did.

Q. Did ſhe and my Lord go out together, or did my Lord ſtay after?

A. I think he ſtaid after.

Q. Did my Lord go after her?

A. Not as I know of.

Q. Did you know what name the Lady paſt by at that time?

A. It is moſt likely, if I carried the letter the name was upon it; I think it was a meſſage from Lord Groſvenor for her to come and ſpeak with his Lordſhip, but I don't at all recollect the name.

Q. Do you recollect the time, in the year 1765?

A. I do not recollect the time; I believe it might be in 1765; I cannot fix the year, I took ſo little notice of it.

Q. What age was the lady in appearance?

A. By what I gueſs ſhe might be five or ſix and twenty.

A Juryman. My Lord, I think this evidence has not given any account how he found Lady Groſvenor and his Royal Highneſs as to their dreſs.

Court. Did you ſee any thing of Lady Groſvenor's dreſs?

A. She fell down, and I moved ſo quick to her aſſiſtance, and the Duke turning round by my left hand, I did not obſerve it.

Court. Nor any thing particular in the defendant's dreſs when you firſt went into the room? Who went in firſt?

A. I was firſt.

Juryman. Was it by Lord Groſvenor's direction you burſt open the door, or of your own head?

A. It was his directions to me, that I was to take the beſt meaſures for obſervation that I could.

JOHN STEPHENS *ſworn. Examined.*

Q. Were you at St. Albans upon the 21ſt of December laſt?

A. Yes, Sir.

Q. Were you at the White Hart, Sir?

A. I was, Sir.

Q. Do you remember any thing particularly which happened there?

A. Yes, Sir.

Q. What happened there then?

A. I think it was ſome minutes after ten o'clock, four or five of Lord Groſvenor's ſervants burſt open the door, where Lady Groſvenor was upon the bed; it burſt by the hinge ſide; I ſtood there, and the moment the door was broke open, upon the other ſide I ſaw the Duke of Cumberland ſtand there, and I ſaw Lady Groſvenor fall down ſome ſteps into an adjoining room; his Royal Highneſs followed into the adjoining room; I followed, and the ſervants followed; when we came into that room, his Royal Highneſs was aſked who he was, and what buſineſs he had there; he made no anſwer to the queſtion at firſt; upon being aſked again, he ſaid, Gentlemen, take notice I am not in the lady's bed-chamber: he was then aſked who he was; he did not give any anſwer to that, but deſired my brother or one of the ſervants to go into another room, and he would ſatisfy him: he ſeemed to be much confuſed, and did not anſwer to the queſtions very readily, nor did he chooſe to declare himſelf there.

Q. As to the particular obſervations of the bed, what do you recollect?

A. After the ſervants had been aſked if they knew him, and he was told he was at liberty, we returned and went towards the fire, and looked at the bed; I opened the curtain, and ſaw the bed rolled exceedingly flat; I thought it was ſomething very particular; and then the chamber-maid was called, and we aſked her if the bed was in that ſituation when ſhe left the room on the over night.

Q. What were your own obſervations on the bed?

A. The bed was exceedingly tumbled, and the coverlid in little wrinkles in many places, as was the ſheet which came half way down the bed, and the bed was exceedingly flat, as if it had been laid upon; not flat in one place only, but almoſt all over, except the bolſter: I did not obſerve the bolſter was flatned at all, only all the other part of the bed.

Court. Did you obſerve any thing particular in my Lady's dreſs?

A. No; I did not.

Q. Nor any thing particular in the defendant's dreſs?

A. I did not, any more than what he had on; I obſerved what he had on.

Plaintiff's Council. We reſt it here for the plaintiff.

Mr. DUNNING.

MAY it pleaſe your Lordſhip, and you Gentlemen of the Jury, I have the honour to be of council for his Royal Highneſs the Duke of Cumberland in this cauſe. Gentlemen, in that character it is my duty to ſubmit to your conſideration ſuch obſervations as occur to me upon this cauſe, as it ſtands at preſent upon the evidence that has been produced upon the part of the plaintiff, and to ſtate to you ſuch further evidence as I am inſtructed to lay before you, upon the part of the defendant. In doing this, I ſhall not addreſs myſelf to your paſſions, for that is not my buſineſs, nor my practice; and if it was both, I ſhould think it highly improper to do ſo upon an occaſion like the preſent; conceiving myſelf to be talking to gentlemen fully apprized of the nature of that buſineſs and duty, which you attend here to diſcharge, and to attend only to the evidence without adopting any degree of partiality for either of the parties; to depend upon the evidence, to decide upon that evidence, and according to the fair reſult of that evidence, to give your verdict upon one, or the other ſide, as you ſhall find the facts to have been proved, or that proof to fail of its object. Gentlemen, I ſhall not beſtow any encomiums upon the felicity of the marriage-bed, of which my learned friend has much experience, myſelf none, but I reverence and reſpect that ſituation as much as he can do. In the next place, I ſhall not beſtow any of thoſe epithets, the violators of that ſacred right deſerve; ſo far as is neceſſary you will beſtow them, if any

perſons

perſons are brought before you either upon this or any future occaſion. It is material to remind you, that the ſingle queſtion you are to try, is, Whether the defendant has been proved to have been guilty of that offence imputed to him by this action, *viz.* to have violated the bed of the plaintiff, Lord Groſvenor; and in judging of that queſtion, my Lord will confirm me in telling you, and I dare ſay your judgements will be before-hand in telling yourſelves, it is neceſſary that the fact ſhould be proved by ſuch evidence as leave no ſhadow of doubt in the minds of thoſe that are to judge of it; becauſe if there is a doubt of that evidence, it is moſt certain it will not warrant a doubt, but entitle the defendant to a verdict, which, upon his behalf, is my duty to pray of you. You have been told, that the preſent caſe, which was opened very correctly, is not far beyond the line of proof. My learned friend, with the candour he profeſſed, conducted himſelf, I am perſuaded, within his inſtructions, and ſtated no more than he expected to be proved, and a great deal has been proved that belongs to it. You for yourſelves will diſtinguiſh, Gentlemen, how much his ſtory and his proof, how much his narrative and his obſervations, his inferences and his argument agree with the evidence; of all which you will judge, as far as is material for you to judge in this cauſe.

Gentlemen, I do not pretend, I do not conceive, I am not inſtructed, nor ſhall I be ſo abſurd as to contend before you, that the high rank of the defendant in this cauſe affords him the ſmalleſt apology for the conduct imputed to him. As little ought it to be expected upon the other hand, that that high rank ſhould ſupply a plaintiff's proof, or induce you to liſten, or incline you to believe that ſtory between theſe parties, which if it had happened between any other parties, you would have thought the evidence inſufficient to eſtabliſh. It is the good fortune of all thoſe that live in this country, proceeding from that adminiſtration of juſtice in the protection of which we live, that the law knows no diſtinction between the ranks of the king's ſubjects; for there is no man ſo high as to be above the reach of the law, and no man ſo low as to be incapable of ſeeking redreſs, where he is injured; and as the law makes no diſtinction, you will make none: but you will conſider it as a cauſe between A. and B. attending to nothing but the evidence, regarding nothing of the parties, but judge from the evidence, upon the ground of which you are to pronounce your verdict. The learned gentleman who is of council for the plaintiff, tells you, how truly I don't know, nor is it to my purpoſe to enquire the preſent plaintiff's title to that relation, the rights of which he conceives to have been violated in the inſtance that gives birth to this action, that it ſprung from a motive of affection, that the lady was amiable, that her perſon was engaging, her fortune not inconſiderable, and her ſettlements ample. I do not preciſely underſtand the whole of that propoſition in the way it has been ſtated; it is however foreign to the queſtion, and it will be as impertinent in me to ſay any thing is opened, and not ſo proved by the evidence. If this was natural affection, and if that affection at the time did produce that marriage, and thoſe ample ſettlements, I wiſh that affection had continued inviolate, and that the parties to this hour had no occaſion to complain of each other. I wiſh it had been true, which the reverend chaplain ſuppoſed to be true, that they had lived in mutual affection till the moment of this tranſaction; unfortunately it has happened otherwiſe, through whoſe fault, who is to blame, and what proportion of blame is to be divided between them, ſo far as is material here, you will judge before the cauſe is over. Gentlemen, this particular cauſe has been divided into four different parts, and the action is repreſented to you as capable of being ſupported by either of the four, and that they are moſt abundantly ſupported by all four put together. The firſt head of proof conſiſts, it ſeems, of a great variety of private meetings in and about this town, ſoon after this acquaintance between the wife of the plaintiff and the now defendant; and though my learned friend profeſſed himſelf unable to mention the period, the evidence has gone a great way towards it; and the evidence proved that the Duke of Cumberland has been ſeen going into, and coming out of Carliſle-houſe in company with Lady Harrington, Colonel Craiggs, and Lady Groſvenor, three or four of them together; and though it may be proved to you their having ſat in the ſame box at Drury-Lane play-houſe, as another perſon has been called to ſay to you, it is certain nothing of acquaintance began till about the period I am ſpeaking of; for all the witneſſes have fix'd it up to the month of May, 1769, or April; part ſaid the month of May. From that time, and until the Autumn following, when Lady Groſvenor went into Cheſhire, as well at the beginning of the time, as at the time ſhe was brought to bed of the child ſhe was then pregnant with, and before the Duke ſailed on the cruize repreſented to you, which occaſioned an abſence of ſix weeks, as well before this period, as after the recovery of the one, and the return of

the other, in different places they are repreſented to you to have met at; and witneſſes have been called to prove thoſe meetings: from ſome of my Lord Groſvenor's ſervants, you have heard that they did, upon different occaſions, carry their Lady to the Counteſs of Donhoff's, and a ſervant or two of my Lady Donhoff's made a part of their evidence, the particulars of which I will conſider preſently. The other parts of it you heard were that Lady Groſvenor went to Kenſington gardens, and upon one or more occaſions the Duke was ſeen with her in the gardens. From others you have learnt ſhe was ſeen going into Cumberland-houſe in the Park; and I don't recollect any other place of meeting but Kenſington gardens, Cumberland-houſe, and Lady Donhoff's; I think there is no other place of meeting to which this opening and firſt head, or branch of evidence refers: and a great deal, I ſhould think, cannot even in point of inference, in point of conjecture, or in point of ſuſpicion be inferred, of two at leaſt of thoſe places of meeting. When the ſame witneſſes prove Lady Groſvenor was ſeen in Kenſington gardens, that prove the Duke was likewiſe ſeen there, not with her, but in the ſame walk, in which it was repreſented the Lady was at that time accompanied with her ſiſter, and ſhe returned with her ſiſter. Whether the Lady and the Duke ever met in the courſe of thoſe walks, has not been made appear, and it is not material. I can hardly conceive the gentlemen of council for the plaintiff would deſire you to ſuppoſe any thing of the ſort is ſuſpected by themſelves to have paſſed in the courſe of thoſe meetings: they certainly did not mean it; it would be uncandid and unjuſt, if they harboured even a ſuſpicion of that ſort. With reſpect to the meetings at Cumberland-houſe, when the nature of thoſe meetings are explained, and attended to a little, they will not appear ſo bad as that kind of evidence inſinuates. It amounts to this; Lady Groſvenor in company with Lady Donhoff, walking through the palace, ſet down, I think the footman ſays, at the gates of the palace; they walked through the gates of the palace into the Park; in the Park they were met by the Duke of Cumberland, and upon his invitation they walked with him out of the Park doors into Cumberland-houſe. I never have yet heard, and I ſuppoſe it will hardly be inſiſted upon to-day, that there is any criminality in that, when you conſider a married lady in company with another lady accompanying the Duke in the Park, and into Cumberland-houſe; upon neither of thoſe things can any ſtreſs be laid, that is to afford proof of itſelf, or towards proof of that which is incumbent upon the plaintiff to prove. The third head of evidence under this branch deſerves a little more particular attention, and it is of itſelf certainly of more importance; I mean to ſpeak now of the meetings at Lady Donhoff's, when Lady Donhoff was abſent. It would be highly unbecoming of me to anſwer what my ideas, or what any body's ideas are, that we ought ever to attempt to conceal from you; though between theſe parties there did, about the period we are ſpeaking of, ariſe, and increaſe a ſtrong attachment or paſſion (we will call it ſo, if you pleaſe) from one to the other; but it is fortunately not my buſineſs to defend either of the parties againſt the imputation of indiſcretion; it is not my buſineſs to defend them if they choſe to repeat it ſo again, nor from the immorality of entertaining ſuch a paſſion between an unmarried man and a married woman; unfortunately paſſions are not ſo eaſily governable, as in all caſes to diſtinguiſh very nicely what is the relations, which it is the intereſt of civil ſociety to form and maintain; they are not ſo under command, but paſſions like theſe do ſometimes riſe, improper as they may be. It is as little my purpoſe, and indeed as little in my power, to defend either of the parties againſt the imputation of having in theſe ſort of meetings acted inconſiſtently with the rules of decorum. If the gentlemen call the paſſion immoral, be it ſo; if the conduct indiſcriminate, be it ſo; if a violation of the laws of decorum, it certainly is ſo. I truſt, whether I can ſafely or not, I muſt do it; but I apprehend I may ſafely admit all this, and yet moſt firmly ſtand upon the only ground which it behoves me to maintain, and defend one and the other of theſe parties againſt the imputation which this declaration conveys, of actual, criminal intercourſe having paſſed between them at any of thoſe places; that only is the jet of this action, and nothing elſe is to the purpoſe of this action. How far their conduct may be cenſurable, or criminal, if the phraſe be a favourite one, it ſuffices for the preſent purpoſe to ſay, if criminal, not criminal to the degree this action ſuppoſes. The particular evidence I have now in contemplation, is that which relates to the tranſaction at my Lady Donhoff's, and you have this account from the only witneſſes capable of giving any, that is, the man and maid ſervant; the man is the huſband of her that was left in the care of the houſe, who are both evidences upon this occaſion. The evidence I am going to conſider particularly, all goes to corroborate this cauſe, namely, that the Duke had met Lady Groſvenor at Lady Donhoff's; the huſband was called to prove his perſon, and to prove

that

that they were there at one of thoſe meetings, which Lady Donhoff's maid-ſervant has given an account of: Elizabeth Sutton, the maid's account of it is this, that it was ſometime about the latter end of May; and upon the 7th of June, you will recollect and bear it long in your memory; Lady Groſvenor was delivered of a ſon ſometime in the latter end of May, which immediately preceded that June the 7th on which ſhe was delivered of a ſon, the Duke met Lady Groſvenor at Lady Donhoff's; the ſervant ſays her miſtreſs was gone out of town in the evening of that day; and you are deſired by the opening to ſuppoſe that Lady Donhoff's abſence was the inducement of their meeting at her houſe, and that the parties were apprized Lady Donhoff was abſent. I don't ſay they were not ſo. It appears in the evening ſhe went away, Lady Groſvenor came to her houſe, and being informed ſhe was abſent, told the maid ſhe imagined her miſtreſs would return at night; in fact ſhe did not return: ſoon after came the Duke, who was repreſented as Lady Groſvenor's brother, was ſhewn into the ſame room where Lady Groſvenor then was, which, it ſeems, was my Lady Donhoff's drawing-room; the houſe, it ſeems, is in Cavendiſh Square; it was about eight o'clock in the evening, in the month of May, when it is broad open day light; the Lady coming there in her carriage attended by my Lord's own ſervants; the carriage returning in the ſame manner; the Duke coming there in a chair; the chairmen letting themſelves in by a double knock; all theſe circumſtances, which don't ſpeak much of privacy, under all theſe circumſtances they met at Lady Donhoff's. It is ſaid no ſort of conveniences were wanting that they might wiſh for; what they are we are yet to learn from conjecture; it is ſaid there were two tables in the room, and when the maid carried in the candles, ſhe was directed to put them upon one of them; there were ſome chairs, and a couch; I am yet to know if there was any other convenience about this room, that indicated any intention of the parties meeting there. As ſoon as it grew darkiſh, the maid, without waiting for the candles to be called for, went to the door; ſhe knocked at the door, and ſhe was anſwered from within, Come in; ſhe came in, and the door, it ſeems, was opened from without, without any interpoſition from within; ſhe brings in the candles, places them as directed upon one of thoſe tables; the parties were ſitting upon the couch: now my imagination is not potent enough to imply from all theſe circumſtances, that ſort of inſinuation and tranſaction which my learned friend thinks abundantly proved. But I can conceive, the parties fond as they have been of ſeeking all opportunities of meeting and enjoying each others company, might, very innocently, if by innocency I am underſtood to mean with reference to the crime now charged upon them, go into Lady Donhoff's room, repreſenting the gentleman who was Lord Groſvenor's brother, may ſit upon this couch with the Lady, nay, he may, if my learned friend pleaſes, kiſs upon this couch; I can conceive all this to be innocent, and conceive if they came there, and ſat upon the couch, and the lock of the door open, that whoever pleaſed to come in might come in, there was nothing to hinder them; and when this woman did unexpectedly come in, ſhe ſaw nothing in their ſituation to ſtrike her attention; ſhe ſaw them ſitting, and nothing that excited any particular attention, or introduced into her mind that there was any thing improper paſſing there: that is in the cleareſt proof, not becauſe ſhe ſays ſo, but becauſe ſhe ſays that which demonſtrates this. She learned from her huſband afterwards, who let the defendant out of the houſe, that that perſon he ſo let out, was the Duke of Cumberland. She remained in the error of ſuppoſing the Duke was the Lady's brother; what then could induce any one to believe, there was any thing tranſacted inconſiſtent with the relation of ſiſter and brother, when, in this woman's belief and obſervations, nothing had paſt between thoſe parties inconſiſtent with the ſuppoſed relation of ſiſter and brother? This ſort of viſit was repeated, I think the witneſs ſays, three times. The firſt night the Lady went out of town, the ſecond was the very night following, the third ſhe is not ſo preciſe in that, but it was thereabouts; if you conſider what happens immediately afterwards, it could not be at a long diſtance; you find ſoon after that Lady Groſvenor was delivered. For two nights ſucceſſively, or within an interval of a night or two, theſe parties met in this ſort of way at my Lady Donhoff's, where they did at theſe meetings expect or imagine Lady Donhoff was to return to town. The talk of the Duke's being Lady Groſvenor's brother, was only to prevent any ſuſpicion of any thing being carried about of his not being further attended, as he only met there to converſe. I don't know, nor is it at all material, if this proof ſtanding by itſelf would have ſupported an action like this: there are ſcarce any two people whoſe conduct of life has been ſo prudent, as not to find themſelves in the predicament the defendant ſtands; to be called upon, and be reſponſible for an action which never ſubſiſted, by their meet-

ings in and about London, without laying much ſtreſs upon the circumſtance, which, if wanting, would operate a great deal, namely, the condition of Lady Groſvenor. It is not uſual in the common courſe of things, that women would be capable of receiving lovers in the way this action ſuppoſes. From the account you have of thoſe meetings, there is a third perſon preſent at many places, conſtantly and at every inſtance both at Cumberland-houſe and Kenſington-gardens; and tho' there was no third perſon at Lady Donhoff's, yet the openneſs of the door, as you have heard, the woman coming in and out without ſuſpecting any thing, believing them to be ſiſter and brother and nothing elſe; I am ſure you will agree with me, in thinking it neither affords proof, nor preſumption, nor probability, nor even ſuſpicion, if it ſtops there: if the circumſtances of ſuch meetings don't go to the excluding ſuch ſuſpicion, I profeſs myſelf unable to judge ſuch ſort of cauſe; I am now conſidering on what ſort of circumſtance I am going to conſider. As well as I am able I will now conſider the circumſtance that was commented upon, which ariſes from the Duke's letters; and if I was unable to juſtify the conduct of the parties in theſe meetings with regard to decorum, to prudence and propriety, I am ſure, I am equally unable to juſtify them upon any of thoſe grounds in writing and receiving thoſe ſorts of letters: but let us ſee whether theſe letters carry the evidence further than it was before we got to them; whether there is any thing in thoſe letters which affords that irreſiſtible conviction you are told ariſes from them. You are told, theſe letters could not be looked upon without a degree of blame, and I admit it; you are told, that the two latter letters were ſtronger than the two former, that the reference in the one to ſome couch, and as the gentleman on the other ſide would have you think it to be that couch which they have deſcribed to be in Lady Donhoff's room, that reference alone imports that ſort of tranſaction imputed to the preſent action, what paſt upon that couch: and the manner he ſpeaks of the Lady his correſpondent having acknowledged her affection for him, and thanking her for owning it; it imports, ſays he, that ſhe, as a married woman, had given the laſt proof of her love, by a gratification of that which he hoped for; and that a woman, a married woman, acknowledging that paſſion, ſhould have given proof of it was certain. Gentlemen, I do conceive it is not only very poſſible, but very probable, and what is more, very uſual, for the acknowledgement of an after-paſſion to precede that which is the proof of it; and I do conceive, that as an unmarried perſon having acknowledged a paſſion, and not have an idea of gratifying that paſſion, a married lady might, though more imprudently, more indecently if you pleaſe, acknowledge a paſſion without pre-ſuppoſing the paſſion gratified. The paſſages themſelves that are principally relied on, are in the two laſt letters, for I did not obſerve my learned friend laid much ſtreſs upon the two firſt letters, they importing, as my learned friend ſuppoſes, great paſſion upon the part of the defendant to Lady Groſvenor; but in the two laſt letters, the paſſages ſelected for theſe ſort of obſervations are theſe; the one is written from ſea, the Duke repreſenting himſelf as employed in thinking of Lady Groſvenor in her abſence, as dreaming of her, and fancying in thoſe dreams he had been kiſſing her ten thouſand times, and telling her how much he loved her. Now unleſs it is impoſſible for the paſſions unbridled and unreſtrained, to go a pitch beyond that which imagination would not have gone to in other moments; unleſs you can conceive it his deſign to go farther than he had ever gone before, no ſuch proof ſeems to me to reſult fairly from theſe letters. They contain the moſt indiſcreet expreſſions that can be uſed; the terms in which they are written do not ſeem to hide or take one jot from the ideas; but what is there in them that imports any thing criminal having paſſed upon the ſuppoſed couch, or what is it that refers to that couch, ſo as to be an improper or criminal tranſaction? I confeſs myſelf unable to diſcover any ſuch thing. If the duke had really employed himſelf in telling her how much he loved her, and accompanied this converſation with thoſe careſſes, or kiſſes if you pleaſe, is it in the nature of things, in going that length that it muſt neceſſarily imply the parties muſt have gone their whole length, of indulging that criminal paſſion to the higheſt degree in which it is capable of being indulged? Is there any thing in the nature of things like that? Is it not perfectly inconſiſtent with thoſe expreſſions, to ſuppoſe them to go one jot further? Why or wherefore from the impartial expreſſion of better reaſon did they not? Was it for want of better opportunities? But from what cauſe ſoever, no matter what, if it does not amount to that ſort of preſumption which is tantamount to the full proof of it, all this may have been done, and yet the defendant not guilty of that criminality which this action ſuppoſes: from the abſolute

import

import of the letters themſelves, every body that underſtands the terms of them will admit, it is unſupported by that evidence, and conſequently an improper verdict for the gentlemen to expect or you to give.—Gentlemen, there is a citation of a poet in this letter, and my learned friend ſeems to ſuppoſe, it is impoſſible without criminality had paſt that an unmarried man, writing to a married woman, could have made uſe of this ſort of paſſage, or applied the lines read to you by the clerk, in the manner they are applied. My learned friend forgets from whence the paſſage comes, or the ſtory it aroſe from; you all remember it came from a perſon to another between whom no ſuch criminal intercourſe had ever paſſed; I never yet underſtood, that Prior's Emma was ſuppoſed to be the ſubject of a criminal intercourſe; though it might be applicable to the ſituation he was in, or the Lady he was addreſſing; he applies this paſſage to their ſituation, he does ſo; ſuch, ſays he, is my amuſement, to read thoſe ſort of things which puts us in mind of our mutual feelings and ſituations. Now what were thoſe feelings, and what were thoſe ſituations? feelings as warm, as ardent as you pleaſe to underſtand them; the ſame feelings which actuated the breaſt of that Henry whoſe character this Henry was then adopting, actuated this Henry's breaſt; and ſuch were the ſituations between that Henry and that Emma, as between this Henry and this Harriot he was thus addreſſing; and if the ſentiments and ſituation were the ſame, I beg leave to ſay, they both are free from the imputation thrown upon them by this action. I may be told, that Henry and that Emma were neither of them married perſons, and perhaps it was the object of both to become ſo; in that difference conſiſts the diſtinction; the paſſion in the one caſe was laudable and innocent, in the other caſe it was certainly blameable, and certainly ſtrictly ſpeaking not innocent; but was it blame of the ſort this action ſuppoſes? I ſhould apprehend, you are all along taking it to be of another kind of blame than that which is charged upon them. Gentlemen, the ſecond letter in which he thanks my Lady for her generoſity, in owning this degree of paſſion to be mutual, that other letter is of the ſame ſort; moſt certainly, he thanks the Lady for having been generous enough to own that her paſſion and his were mutual: I think this too is in a paſſage recited by, or referable to the ſame author, Prior, and it contains aſſurances of the continuance of this attachment, in ſuch words as unceaſing, eternal, and ſo on, in their letters; all theſe are expreſſions which neceſſarily of courſe make a part of ſuch letters. When people are once got to a length of writing love-letters, they are got to a length of writing very fooliſh ſubjects in a very fooliſh manner; and whether actuated by the paſſion itſelf, or from mere natural expreſſions, the ſhort and the long of it are much the ſame, the Lady is his very humble ſervant, and is ſo very generous as to own it; the other letter ſeems to me to be tantamount of every thing ſtated by the former; but I beg leave to inſiſt, a man may write and a woman receive ſuch letters as theſe, and yet neither the one nor the other guilty of the offence of adultery, nor ever intending to be ſo; lamenting if you pleaſe, according to what the French poet obſerves, lamenting that cruel bar, a removal of which never would happen till the deaths of ſome parties, and ſurviving of others, referring to that which my learned friend ſuppoſes to be gratified; I ſhould rather think, paſſions ſo expreſt had not been gratified. Gentlemen, I have never found the gratification of the paſſion increaſes the ardor, and revives the eternity, duration, and God knows what; they rather increaſe as we go on in theſe ſort of letters. After the other circumſtances, I ſhould have reaſon to take the expreſſions of thoſe letters in a different light, for examining them well, to my breaſt they convey an irreſiſtible conviction that this paſſion was never gratified. In the next place, gentlemen, the Duke of Cumberland is with Lady Groſvenor in Kenſington-gardens, in company with another Lady. This fooliſh tender ſcene ſuppoſed to have been paſſed between brother and ſiſter at Lady Donhoff's, in ſuch manner as you have heard it deſcanted on, I ſhould have thought the ſubject not deſerving to be ſeriouſly conſidered if it had gone no farther: but the gentleman ſays, there begins another very large head of evidence viſibly withſtanding all rejection. Then with regard to the journey into Cheſhire, the Duke went under diſguiſe and with different names, ſometimes Farmer, ſometimes a Young Squire, ſometimes a Fool, and ſometimes a Welchman of the name of Morgan, ſometimes Griffin, and ſometimes Tuff or Tuſh, and Mr. Jones, and with all theſe different names and different diſguiſes, which amount to a plain coat and waiſtcoat and no ſtar on, and a brown wig, and the Duke under all theſe prodigious diſguiſes accompanied Lady Groſvenor in her journey to Cheſhire, I ſay accompanied, becauſe my learned friend has ſtated it ſo, and it is ſubſtantially ſo; though they did

not

not think fit the Duke of Cumberland ſhould be ſtared at in his public character at St. Albans, at Coventry, at the four Croſſes, and Barn-hill, and I can't tell where; although in other words, they did not chuſe the owner of the Cheſter Journal, or what other papers ſhould be printed in that country, ſhould give a preciſe account of the Duke ſupping here, and my Lady ſupping there, and ſtopt and baited here and there on the road, and therefore I do conceive it was neceſſary for his Royal Highneſs to be diſguiſed by the plain coat and brown wig, and ſome name was neceſſary, and ſome character neceſſary, if the real character and real name were laid down; and I can't ſee from this journey, and this diſguiſe any offence, like that which is imputed in the declaration, to have paſſed between the parties. Gentlemen, Mr. Giddings whom they called, they choſe to quarrel with, and choſe to ſuppoſe he was a bad witneſs, becauſe he would not prove what they ſuggeſted, and therefore he did not know what he did, nor what he ſaid, and his evidence was to be explained away or removed, and witneſſes were to be called upon to contradict one another, although they were called to be the ſupport of one another. Mr. Giddings did not take notice of Lady Groſvenor being upon the road, being unacquainted with the livery, never ſeeing her at Towceſter, nor at Coventry, nor the four Croſſes, nor till they paſſed by him at Barn-hill. This ſeemed a little ſtrange, and you were at a loſs that he ſhould know ſo little of what paſſed upon the road, when the Duke was ſuppoſed to know it. The Duke unqueſtionably had no buſineſs upon that road but to eſcort, or talk if you pleaſe with Lady Groſvenor. I think that is comprehending it, when the man tells you he knew he went out of town for ſome purpoſe, therefore he aſſiſted him in that concealment; and though he knew, which was pretty near the ſame thing, that ſome woman was at the bottom of all this, it was not explained who ſhe was till he got to Barn-hill. It is ſaid, in the courſe of the road to Barn-hill the parties had met, that my Lady Groſvenor and the Duke had had interviews together, or at leaſt the Duke knew my Lady was upon the road, or had been told ſo, and a fooliſh fellow was called to tell you ſo, and to inform you that he had told the Duke while he was eating pork ſtakes or mutton chops, that Lady Groſvenor's family was in the houſe, and he talked to him in the way people at an inn eating mutton chops are commonly talked to, and he proved the ſervants were at dinner in the kitchen while he was up ſtairs accompanying the Duke with his mutton chops. If ſhe had not been upon the road, he would not have been upon the road; does it follow that Mr. Giddings muſt know ſhe was upon the road? I don't recollect that there is any proof of any interview between them upon the courſe of their journey upon that road: let us ſuppoſe they had met at every one of thoſe inns, does it follow that Giddings muſt know they did meet? He performed the duty of his ſtation with great care and attention, great ſkill if you pleaſe; nor is it in proof that he conceived what was the particular object of this journey, till he came into a ſituation where it was neceſſary to relate it to him; for what could the Duke expect from Giddings till he got to the end of his journey? But when he drew near Lord Groſvenor's houſe, when it was natural for him to conſider the motive of their coming there, it became indiſpenſibly neceſſary he ſhould know the object of the journey, and where they were to go to; and naturally the witneſs ſays, the Duke told him he came out in this ſtrange way for the purpoſe of ſeeing Lady Groſvenor. There is certainly no contradiction in his ſtory, nor any thing to render it in the ſmalleſt degree incredible, but upon the contrary perfectly credible, and happening juſt in the way and courſe ſuch things muſt be naturally expected. There are incidents, I believe, ſome opened, of which there was no proof, and ſome proved by evidence though not opened. At the four Croſſes one Charlton is called to you, I don't obſerve any ſtreſs is laid to have paſſed there, any other than their being all at the ſame inn together; but at Whitchurch, Jane Richardſon is called, who is one of the chambermaids, ſhe remembers the gentlemen coming there, there is no doubt who the gentlemen were; ſome part of her examination is to prove their identity; ſhe proves that the room in which Lady Groſvenor lay had the windows broke, and that ſhe told the Lady ſo; if this had been a common cauſe, upon which I thought it right to conceal any thing, this I could have told you was not evidence, which in my opinion was tangeable to it; beſides, I was only ſolicitous to prevent inferences of real tranſactions that did happen being ſtretched farther than the juſtice and nature of the cauſe would admit. Lady Groſvenor choſe a bad room, when in the houſe there was a better. Next to this room there was a paſſage; on one ſide of that paſſage neareſt to my Lady's room lay the ſervants; in the ſame paſſage at a little further diſtance lay the Fool as he was

called: if my Lady Groſvenor, in the choice of this room, had in contemplation converſation with the Duke, and if there had been any evidence of actual converſation between them, I ſhould not have been at all ſolicitous about it, nor would it have been material one way nor the other in the cauſe; but that ſhe ſhould have choſen this bad room for the ſake of criminal converſation with him in the night, and have choſen that her ſervants ſhould lay in the ſame paſſage, ſeems to me to be reconcileable to nothing but inſanity in both parties. The door was chalked here and every where except the exception, though Giddings's evidence did not make the exception; he ſaid, in general it was his practice, and not confined to this particular occaſion only; whenever he travelled with his maſter it was his uſual practice to make a mark upon it, and he could not recollect whether he did it at Coventry, Towceſter, or no, or at the four Croſſes, only at Whitchurch; he believes he did it at moſt of thoſe places, but does not recollect whether he did it at Cheſter; and becauſe he did it at Whitchurch, then you are to ſay, as Lady Groſvenor was not at Cheſter once the chalk was diſcontinued. You ſee it was proved to be his practice in general to uſe chalk; and I don't think it at all incredible, if you ſuppoſe the parties had intercourſe together, that uſe might be made of this chalk, and the practice in other places might be uſeful in finding out the room; but the gentlemen choſe to ſuppoſe it was for that particular purpoſe only, and I have no objection if they have made themſelves a title ſo to ſuppoſe it. This is not all her evidence; but in the courſe of the night one of the maids heard ſome noiſe in this paſſage; ſomething which was conjectured but never examined; it is ſaid to have proceeded from the Duke's opening the door of his room, and walking through the paſſage, they thought it was the Fool, and the Fool if he choſe it might walk in his ſleep, they would not diſturb themſelves about it, and they attended no more to it. Now it is ſingular enough that at this diſtance of time, and for this purpoſe, ſuch a circumſtance as this, unworthy as it was thought by the maid at the time, of ſo much attention as to excite the ſmalleſt curioſity, or enquiring into the cauſe, ſhould now at this moment be introduced and brought into this cauſe, as helping to make out in evidence this charge, though at firſt it was only conjecture; but ſuppoſing the evidence not ſtretched, when I ſay ſtretched, I think it is the hardeſt thing in the world the ſuppoſing or ſuſpecting it. Witneſſes, when they come to aſſert what they are told to be a good cauſe, think they cannot do too much to ſerve that good cauſe, they cannot know too much, they cannot recollect too much, and they cannot ſay too much, and matters that at firſt are only conjecture, grow into poſitive proof, and people fancy they know at laſt what at firſt they only dreamt about; and a great deal muſt be made of it indeed to prove what is applicable to this cauſe. There is more ſtill behind falls from that evidence; the next day ſhe ſaw the Duke's bed, and ſhe ſaw it in ſuch a condition, that no bed that had been laid in ever appeared to be ſo before. I don't ſuppoſe my learned friend deſires you to believe that that which paſſed in this bed never paſſed in a bed before; I don't underſtand him to mean that any thing extraordinary appeared in it; and whatever it was, that unexpected cauſe happened juſt then as never attracted the eyes of this maid before, and that was the chambermaid of an inn. There might have been two people in that inn that might lay together as in a common inn, and no ſuch thing might happen; what does it appear, but ſomething which had never been ſeen before, and if it proves any thing it proves no body had lain in it, or that an army had been laid in it, or that the girl's imagination is ſo poſſeſſed with the circumſtance as not to make any thing of it. I think it was a little extraordinary, that there ſhould be ſo much appearance in one bed and nothing appeared in the other bed. My learned friend hazarded a queſtion which I ſhould have thought an imprudent one, What was the condition of my Lady's bed? She had laid in this bed, the windows in the room were broke, the room was damp and uncomfortable, ſhe had lain in it, and her bed appeared as it might be ſuppoſed to appear, as if it had been lain in, and the other it ſeems did not appear to have been lain in; what can you make of all this? I can ſay upon this, that what happened at Whitchurch is perfectly conſiſtent with the idea of the pureſt tranſaction at that place, and that no ſort of intercourſe had been held between the two parties; and neither in one circumſtance proved by that witneſs, nor all of them put together, prove theſe parties were ever together for the purpoſe ſuppoſed, or that they ever executed thoſe purpoſes. I think there is nothing farther in the courſe of their journey onwards, but when they came there, the defendant and this ſervant of his put up at the Faulcon inn at Cheſter; they did not ſtay at Cheſter; I don't ſuppoſe any body can imagine, the object of the journey was only to ſee the town of Cheſter. The Duke,

accompanied with Giddings, went to the garden, and the firſt night they were met there by Lady Groſvenor, and were there a few minutes together, having converſed by the garden rails a few minutes; that night they parted, the Duke returned to Eccleſton, where his horſes were, and rode back to Cheſter and lay there; the next night they returned again, and went to ſee Lady Groſvenor, and went back again that night, and ſo on for three or four different times, and then went immediately for London---returned again to Marford-hill, and there he lay a ſecond time a few nights, and he again went to Lord Groſvenor's grounds, accompanied by this ſame domeſtic, and at each of theſe times he ſaw Lady Groſvenor; what then? Is there any witneſs that does himſelf ſuppoſe, much leſs is there any evidence that can induce you to ſuppoſe, that in any of theſe meetings in the gardens, or near the houſe, or in the fields, any thing criminal did paſs, the time of day between twelve and one o'clock, and this was dirty weather, and a dirty country? and I ſuppoſe, that is the general practice ſitting at home in the county of Cheſter, but ſhe walked out on theſe days; what is there remarkable in it? She walked out for the purpoſe of meeting the Duke of Cumberland, as well as he went from London to meet her in thoſe fields; what paſſed there will any body ſuppoſe in that hour of the day, in broad day-light, ſeen in one inſtance by the ſervant that brought a meſſage, ſeen by another in another manner in a kind of action? what can you ſuppoſe did then or there paſs between the parties? It did not want the negative evidence of Giddings to prove nothing did paſs that was criminal; no body could ſuppoſe it could have paſſed if Giddings was at hand; when I ſay at hand, he was within ſight and within hearing of them, I don't ſuppoſe he was within hearing what they were then talking about, but was what is underſtood literally to be within ſight and within hearing. Can any body ſuppoſe, that from profligacy all want of decorum was loſt between theſe parties, when they were liable to be broke in upon, and in one inſtance were broke in upon by the ſervants? what could then have paſſed between them? nothing is proved there. But what evidence you have with reſpect to the Duke, going the firſt and ſecond time into the neighbourhood of Cheſter, by the criminality, if you pleaſe to ſuppoſe it ſo, commencing ſome months before, and continuing till the time I am ſpeaking of; I cannot think myſelf, this third head of evidence is at all more fortunate than either of the two that preceeded it; that neither in the meetings at many places, nor in the letters, nor theſe fooliſh interviews in the country, can there be found any ſort of evidence of the kind that will ſupport this action. Then we come to the laſt important ſcene, as my learned friend calls it, which has every thing of full direct proof, and which there is no getting the better of nor explaining away. Though you ſhould think the firſt meetings were perfectly blameleſs with the ſenſe of the action, though the letters import nothing like a previous indulgence of this paſſion for each other, nor the meetings at Cheſter, nor on the road, import any thing criminal to have paſſed between them, yet the important diſcovery at St. Albans is to pin the baſket. I have no doubt that the tranſaction at St. Albans gave birth to this action, and no other tranſactions would have been thought a ground for this buſineſs; but it ſeems the tranſaction at St. Albans is not to be juſtified, nor is it to be juſtified; in the way I have admitted the conduct of the parties to be in ſome degree unjuſtifiable, but I fancy the circumſtance of St. Albans will be found capable of ſuch an anſwer, as will make it appear to you to be inſufficient for the purpoſe of ſupporting this action. In the firſt place, there have been four witneſſes called to ſupport that tranſaction by them; a fifth, from whom, upon croſs examination, I got a word or two about it, who was likewiſe called by them though for other purpoſes; from all theſe witneſſes we learn, that in the evening, ſome ſay ten, others half after ten, one told us eleven, the door of the room of Lady Groſvenor's bedchamber was burſt open, and in that room were found Lady Groſvenor and the Duke of Cumberland. Gentlemen, you find the breaking open this door was the reſult of a ſort of plot, which was laid very innocently in all ſenſes of the word, but very ſimply it ſtrikes me, by Stephens, who, after having ſent his fellow-ſervants to bed, was to bore holes through the door in which the Lady was to lie; the opportunity was choſen for this while the Lady was at ſupper, which is ſuppoſed to have been towards nine o'clock; during that interval Mr. Stephens, one of my Lord's principal domeſtics, gets neceſſary inſtruments and bores two holes, for the purpoſe of ſeeing what ſhould paſs there: as ſoon as ſhe left ſupper ſhe went up ſtairs to the nurſery, and there he carried ſome negus, but not finding her there, ſhe called to him in the way for him to bring the negus to her, and he did accordingly carry that negus to her; he ſuppoſes ſhe did ſhut the door and turn the key; the ſame witneſs ſpeaks afterwards

about the lock, at the time the door was burſt open, but he could not take upon him to ſay the door was locked or not; whether or not is not in proof one way or the other; it might be ſhut, yet the door was not locked when the door was burſt open; it may be, and muſt be, if not locked the ſecond time; for, in the interval of burſting into the room, that locking of the door would have been nothing to the purpoſe, if he had been certain to his recollection about it after he carried the negus; whether it was locked again or not, there is no proof about it; but having delivered this negus, the Lady being within, from the ſuſpicions he had entertained, and the diſcovery which was his buſineſs to make if he could, led him to be very attentive to what paſſed within, and for that purpoſe he that had ſent the ſervants to bed, and his brother to ſome other houſe, hears a converſation and diſtinguiſhes two voices, and is ſure Lady Groſvenor's was one; this he is ſure of, the other he thinks is the Duke's; he hears a converſation paſſing carried on by two voices, in which at that time the principal ſpeaker was my Lady Groſvenor; he goes and communicates this to the brother, they both liſten and hear two voices, but his ears were not good enough to enable him to diſtinguiſh to whom thoſe voices belonged; the witneſs wondered at it, but he explained the reaſon, by ſaying his brother had a cold; the words articulated were not diſcovered, but both the witneſſes, and I believe one of the ſervants did (two or three of them it is not material) hear, by liſtening at the door, a converſation carried on by two voices; and Mr. Stephens's ſtory was ſo accurate, that, upon the ſecond time of liſtening in company with his brother, he conjectured it was the Duke of Cumberland's, but then he ſaid the Duke was the principal ſpeaker; what warranted the witneſs to ſay this was, at both times of liſtening he and his deaf brother diſtinguiſhed two voices; one voice was known by the ſound to be Lady Groſvenor's, the other in the firſt inſtance was ſuſpected, in the ſecond was certainly known to be the Duke of Cumberland: well but talking will not do for this action, converſation by two voices will not do, the Lady ſpeaking moſt one time, the Gentleman moſt at another time, will never do for this action.

Court. There are three times, Stephens went down a third time to liſten.

Mr. Dunning. I now recollect perfectly; at the ſame time both the brothers and the footman liſtened, and they likewiſe heard the two voices, then within half an hour, as the evidence ſtands, of carrying the negus into the room, in which interval, or towards the beginning of it, the Duke had found his way into this room in the beginning of this converſation, it was continuing till the interval of breaking into the door, continuing, as far as is known, it had been continuing without interminſion. I deſire you gentlemen to underſtand, that the continued converſation between two voices, one preponderating with one, the other in other parts of it, is intirely compatible with what muſt have paſſed between thoſe parties in that place. I believe my learned friend has not learned from his reading, and I am ſure he has had no other way of learning, that it is uſual in ſuch circumſtances to carry on that ſort of converſation; and yet I hope I am not underſtood as treating the ſubject ludicrouſly; it is far from my intention to do ſo. I admit no other conſideration than what is founded upon evidence. When is it this can have paſſed? there is not a moment left for it; we find within compaſs of a few minutes when the converſation began, and we find to a moment when it ended; we find when he went and called the ſervants he had fooliſhly ſent to bed, and when he went to call his brother which he had more fooliſhly ſent to another houſe; when he returned, he found the ſame converſation continuing, no diſtinguiſhable difference, ſometimes the Lady moſt, ſometimes the Gentleman moſt: I profeſs, gentlemen, little more comment or obſervation is neceſſary to ſatisfy you in this caſe; not that it is not probable, much leſs that it is not certain, that this buſineſs did paſs at the time; but, upon the contrary, it is in clear proof that nothing of this ſort did paſs at that time. It may be aſked, how it can be ſtrongly proved that a young man and a young woman did not do what is natural for young people in rooms together to do? You find they were only talking: I confeſs myſelf at a loſs to know what ſpecies of evidence is more neceſſary to prove nothing criminal at that time did paſs. Now let us ſee what more remains upon the evidence of theſe willing witneſſes, to ſay no more of them, if it be not altogether deficient, they may ſtand more upon it, and ſay, Here I have you in this part of the cauſe. Let me obſerve a circumſtance more upon the evidence; Mr. Giddings, in his maſter's room, had accidentally obſerved this operation of boring the holes through the door. Mr. Giddings is not underſtood by my learned friend to be ſuch a dull obſerver, as not to comprehend what this meant: the Duke was in the room, and he pointed and made the

obſer-

obſervation; and he ſays the Duke likewiſe ſaw the man in a blue coat and red collar, boring holes. I thank the gentleman for the attempt, becauſe it ſucceeded in the way of diſproving that more ſtrongly in the ſame way it was attempted to be proved. You find he was in a blue coat and red collar; was in a light; was in a ſituation to be ſeen in the room, and ſuppoſed to be ſeen by Giddings. Then Stephens confirms that evidence of Giddings, that both himſelf and his maſter were apprized of what was done: can it be doubted what it meant? they knowing the holes were made for the purpoſe of obſervations; knowing my Lord Groſvenor's agents and ſervants, were in conſequence of ſuſpicions, entertained by himſelf or themſelves, and being diſpoſed to make this diſcovery of what paſt within that room, they can aſk, What did your client mean, knowing all this, to put himſelf in that room? I am not at a loſs for an anſwer; I muſt carry the diſclaimer through; here is a young man of great attachments, warm paſſions, and not very prudent, in a ſituation, and ſubject indeed where no body is prudent; he perſiſted in the purpoſe that brought him there, in ſeeing Lady Groſvenor. What was the purpoſe that brought him there? that was evident a week or ſo before; Mr. Giddings proves it, and you may know without proof; I know, and every one that hears me may know, God knows where, or what quarter it came from, but there was in all the news-papers in this town, a ſuppoſed detection of theſe very parties, in a milliner's ſhop in Leiceſter Fields. To what good-natured pen we are indebted for that invention, and whether they meant ill or well to both parties, God knows; but there was ſuch a ſtory rais'd. The Duke reading of this tranſaction, and alarmed at it, conceived it to be right to take the firſt opportunity of ſeeing Lady Groſvenor, and he made a journey to St. Albans on purpoſe to meet her, and ſent her word of it by a diſpatch that was ſent before he ſet out.

Well, but why an aſſignation at St. Albans? Why not wait till ſhe came to town? Why not come to explanations, if neceſſary, in a more public manner? And why not find a proper place, and circumſtances neceſſary to talk about it? To all theſe why's, I can give but one anſwer. I admit, to have waited till ſhe came to town, would have been better, and to have had an explanation more public; but circumſtanced as theſe parties were, it was not natural in them to do what parties that had no ſort of intercourſe together probably would have done, but would have waited for a more convenient opportunity to come together. In the way they were thinking of each other, it was to be communicated that moment they read it, or as ſoon as poſſibly he could reach her, was the proper time; and there was nothing in that could prove the Duke imprudent; it was proper for him to go and converſe with her about it, and talk the buſineſs over, in order to contrive how to find out the authors of this ſcandal, that it might not go beyond the mark, though the occaſion for it might be given in a leſs degree than what had really paſſed. The Duke then went down to St. Albans, followed by his ſervant, for the purpoſe of talking with Lady Groſvenor. The gentlemen may ſay, what the Duke ſays is no evidence; why do we not prove that? When he went into this room, it appears in evidence, he was apprized they ſhould be obſerved there, but he did not expect the door would be burſt open; they did not expect any body had been ſo commiſſioned, or was diſpoſed, if commiſſioned, to have gone that length; but they ſuppoſed there would be people through the holes that were made, that would be attentive to what they could hear or ſee them do. In the way in which this has been conducted, the one way and the other, it does not appear to me to be a clear proof of a criminal tranſaction. It may be aſked, Why ſhould he have gone into the room, and have choſen to have ſat upon that bed, at the ſide to conceal himſelf behind the curtain? It may be ſaid, Was it not extraordinary, that he ſhould go ſo far imprudently, as to put himſelf in their power? and that he ſhould conceal himſelf as far as he could from their obſervation, by ſitting behind the curtain? It is to be ſure very imprudent conduct, and ſo far very indefenſible conduct. But can you ſuppoſe in that ſituation, knowing, or having reaſon to believe, ſome perſon or perſons were looking through the door, if the parties had but one grain of underſtanding, would they tranſact that part of the criminal converſation upon that bed, and ſuch ſpectators round? Their ſitting upon one ſide of the bed would produce other ſounds to the converſation, not ſo eaſily to be heard; but the bed itſelf, in other circumſtances, would have betrayed from the appearance and condition of it, what paſſed there, if it had been ſo circumſtanced to contrive to prove what had paſt there.

We are told when the door was burſt open, the Duke and Lady Groſvenor were both found in the room; the Duke, all the witneſſes agree, ſtanding in the middle of the room; Lady Groſvenor, they all agree, was going or ſtanding near the door, which led into an adjoining room; two footmen were in the room with the reſt that came in,

and

and either one of them, or both, ſuppoſe themſelves to have ſeen the Duke in the act of buttoning his waiſtcoat. I did expect from the opening a different ſort of buttoning, I do confeſs, but the witneſſes ſuppoſed themſelves to have ſeen the Duke buttoning his waiſtcoat. The ſame two witneſſes ſuppoſe themſelves to have ſeen Lady Groſvenor's neck bare, and it ſeems ſhe wore a ſort of dreſs which is calculated to come cloſe about the neck; the Lady they ſaw in the act of falling againſt the door: ſhe did in fact fall into the next room; whether they ſaw her neck bare, proceeding from that accident, or their imaginations ſupplied them with that circumſtance, I do not know; it is impoſſible to be certain: it is natural both parties ſhould appear in the confuſion repreſented; they did not think their converſation would have been ſo interrupted, nor the door burſt open. The door, it ſeems, burſt from its hinges; it burſt open at once, and all this goodly company burſt into the room, and ſo broke in upon their converſation: and they muſt be ſtill more confuſed, when you conſider them circumſtanced as theſe parties were. Now, Gentlemen, I can myſelf conceive, that without any intentional aggravation in both thoſe ſervants, they might be miſtaken in thoſe two circumſtances, I mentioned concerning the appearance of the undreſs of the parties. When the two witneſſes, their employers, the one, I think, is a ſteward, and the other an officer in the militia, and a friend of Lord Groſvenor's, both of whom came there for that purpoſe, when they both tell you neither one nor the other ſaw any ſuch circumſtance; can you ſuppoſe Mr. Stephens, the borer of the holes through the door; can you ſuppoſe Mr. Stephens the adjutant, who came from London for the purpoſe of ſeeing them; can you ſuppoſe the one or the other inattentive? can you ſuppoſe it true, when one did repreſent himſelf as got into the room firſt, and they were all in the room immediately after, ſo ſoon as there was no difference in time material? He was the firſt man in the room, and neither he nor his brother ſaw either of theſe material circumſtances that the footmen ſuppoſe themſelves to have ſeen: and I have no doubt, that both thoſe gentlemen would have proved thoſe circumſtances, if they had been viſible. Conſider their attention from waiting the whole ſcene, which was the effect of their own contrivance: it cannot be doubted they ſaw all that was to be ſeen, and they have not added this ſort of exaggerated circumſtance; I don't mean to ſay aggravated neither, but in the confuſion in which the ſervants and all were in, this kind of ſcene which they were not very well accuſtomed to, they ſuppoſe themſelves to have ſeen what never had paſſed; if it had, it would have been witneſſed by the two Stephens's. For upon the obſervation of what is proved by all the four witneſſes to have paſſed, founded upon what knowledge the Duke carried with him in the room, you are, I truſt, to be convinced nothing paſſed in that room to the purpoſe of which unbuttoning was neceſſary. Can you ſuppoſe the parties were ſo employed? the ſituation of the Lady might be the effect of that fall which proceeded from her going into the next room. The confuſion of the Duke of Cumberland, from the tranſactions of that night, might cauſe that to paſs, which the witneſſes declare to have paſſed, from the effect of wonder cauſed by what had paſſed in the room; if it paſſed, it would be the effect of wonder which this ſcene produced. Does it import any thing more, than his not having preſence of mind, or being exceedingly apprehenſive of a miſrepreſentation and exaggeration, and afraid a much worſe conſtruction would be put on it than the tranſaction itſelf when properly known would bear? I don't wonder, upon the whole, that the Duke ſhould talk improperly, and hold a fooliſh converſation; I don't wonder that thoſe expreſſions did paſs upon it, "I will take my "Bible oath I was not there." That is a farce, for people of his high rank are not very apt to be found in ſuch ſituations, and it is in fact much more likely to be their own invention than his expreſſion. That he denied his being there, is very probable, and that his expreſſions and his language was different from that, is likewiſe very probable.——Gentlemen, I have not wittingly or deſignedly concealed any part of the evidence; then what is there more than theſe four heads, that of itſelf produces that ſtrong, clear, and neceſſary concluſion, which my learned friend ſuppoſed would reſult from it, or affords that irreſiſtible conviction he thought it would carry? Theſe four heads of evidence, each ſeparately conſidered, will not anſwer the purpoſe, yet, *juncta juvant*, all together will anſwer what none of them ſeparately would perform. It is a very common argument, and ſtated and circumſtanced as we are, we are often driven to make the beſt of them: but *juncta juvant* is not for the firſt time introduced; I have often heard that that put together, has more weight than ſeparate circumſtances, which, whilſt they are ſeparate, prove nothing; when together, they can prove no more: and to the end of the multiplication table, as many nothings as you pleaſe, and ſomething will be the produce of them. What is there in one, or in all theſe circumſtances put together, than what I in the outſet admitted, That theſe parties had

formed an imprudent, and if you pleaſe, a violent attachment to each other, or a violent paſſion for each other? all this may be true, and yet criminal intercourſe never have paſſed between them, as the action ſuppoſes. If the paſſion muſt have preceded, yet the paſſion may have happened, and not what my learned friend ſuppoſes the gratification, and indulgence of it have paſſed: yet the paſſion might have ſubſiſted with the moſt perfect innocence of that crime with which he is charged in this action; all that has been given in evidence therefore, can afford no proof of his guilt. I think the argument is fair, for no man's guilt can be proved by any evidence that is compatible with his innocence.——Gentlemen, I do not diſpute with my learned friend in ſome obſervations that he ſet out with, upon the nature of the evidence, and how this ſort of evidence is to be ſupported; he ſays, It will hardly be inſiſted, nor will it by me, that the evidence of ocular witneſſes ſeeing the fact is neceſſary to eſtabliſh a proof of it. He ſays, and truly, in theſe caſes circumſtances may be ſuch as make the concluſion as neceſſary, and the conviction as irreſiſtible, as if the charge was ſupported by ocular witneſſes, or more ſo. I am ready to admit there may be circumſtances that would make it as much ſo; but admitting that I muſt go a great deal further in my admiſſion, or his argument will not ſupply his cauſe. I do not contend that the concluſion muſt be neceſſary, nor inevitable in this cauſe; but I admit, becauſe I can in no cauſe deny, that a charge may be proved by circumſtances; it is true in all civil cauſes, it is equally true in all criminal cauſes, that there is no charge ſo high, or none ſo ſmall, but may be proved by circumſtances: but then you will take along with you the nature of the guilt, and the point which ought to influence the conſideration of the court, in weighing ſuch circumſtances, and judgeing whether they do or not produce, or afford that neceſſary conviction. If a man is found weltering in his blood, with a ſword through his body, though no man ſaw him murdered, every man ſees that which neceſſarily infers he is murdered, whether by himſelf or another, *non conſtat*; if it appears he was not his own murtherer, yet it appears it muſt have been committed by ſome other perſon; if it could be proved who was the perſon that committed the murder, yet ſtill his will muſt be proved to convict him. If a man is found in the ſituation I before deſcribed, and another perſon is ſeen running out of the room with a drawn ſword in his hand bloody, that affords what the law calls a violent preſumption; and though it is not full proof, yet the concluſion of it ſeems irreſiſtible, that he was the murtherer; which is all that can be admitted upon the head of preſumptive evidence: in Lord Coke's words it is thus explained, Probable preſumption moves little, *preſumptio levis*, which moves not at all; and that which the laws ſay, and the laws of common ſenſe ſay, that thoſe circumſtances that ſupport a violent preſumption, import a full proof tantamount; yet any circumſtance ſhort of that will not do: there may be probable circumſtances that will do in one caſe, that go not at all to another; and the degree of concluſion or inference that theſe violent preſumptions afford, is, that they muſt be carried to their true pitch, ſo that the proof may not be miſtaken, or confounded with that which is not proved; and if the circumſtances ſo to be proved, afford an inſtance of a leſſer degree of guilt than the action ſuppoſes, then that is no proof at all: and it is plain that there never was, from the commencement of the correſpondence between the parties, to this moment, a criminal inſtance between them; and all the evidence put together, will not afford that violent preſumption which affords full proof; and therefore the evidence being inſufficient, it will not gain a verdict which the plaintiff expects: for you will not, I am perſuaded, be induced to judge of it in the ſame manner as if full proof had been given you; and you will attend to no arguments, but give a verdict according to your own underſtanding, and apply theſe rules in the way I have taken the liberty to tell you them, corrected, as I apprehend they will be in the way, before you give your opinion upon the cauſe; and I truſt, and am perſuaded, you will think the evidence that has been given, is inſufficient to entitle the plaintiff to a verdict. Gentlemen, you are told, upon the head of damages, that if you ſhould give the plaintiff a verdict, which I truſt you will not, then you have nothing to do, but to applaud the moderation of that pecuniary compenſation, which the plaintiff, though unacquainted with the extent of his own injuries, has been prompted by his agents to ſtate upon this record for 100,000*l.* which my learned friend ſays is far too little for the defendant to pay, or the plaintiff to receive: and for the purpoſes of making out that ſingular propoſition, you are told, the *quantum* of damages in all cauſes depends upon the nature of the injury, and the rank of the parties. I ſhall beg leave to ſuppoſe there are ſome other circumſtances muſt occur in the conſideration of damages, that not only the nature of the injury, but the conduct of the party complaining of that injury, makes a material ingredient in that conſideration, and the circumſtances of the parties; and I believe

I ſhall

I ſhall not find myſelf miſtaken in ſuppoſing theſe two topics are very fit to be added to the others, if you ſhould find yourſelves obliged to come to that ſtage of the caſe in which theſe conſiderations are material. Gentlemen, it is ſaid, this is the firſt inſtance of an action of this ſort brought againſt a prince of the blood, but that it depends upon you whether it ſhall be the laſt. It does depend upon you indeed; for if ſlighter evidence than you would require in other caſes, and if the conſideration of the rank of either party, or their idea of having to deal with a prince of the blood, makes a conſideration of your verdict for the parties, this would not then be the laſt that might be brought; for if circumſtances conſiſtent with the abſolute negative of that which they muſt prove in the affirmative, would gain a verdict in their favour, there are numbers of thoſe who would find frequent inſtances for ſimilar actions. Gentlemen, the conduct of princes, it is ſaid, is an object of great national concern; and that the conduct of this prince is more extravagantly vitiated, as he has that example of youthful tenderneſs, and conjugal fidelity in his family. Gentlemen, the conduct of princes is certainly a great national concern, if by princes is underſtood, that prince whoſe example, and whoſe conduct men are to look to, with whom the nation and ſtate, as a ſtate, has to do: and though there is a rank of men known in a neighbouring country, by the diſtinction of princes of the blood, that hold a ſeparate ſtate, God be thanked, there is no ſuch order of men in this country; and I know but of one prince, whoſe conduct can be a national concern, which is that prince who has the ſole executive authority, and who has a large ſhare of the legiſlative authority in the ſtate, and whoſe conduct, in every inſtance, is therefore a national concern, and whoſe conduct is, and I truſt ever will be found by thoſe who are moſt attentive to national concerns, ſuch as they would wiſh it to be. As to diſtinguiſhing this prince, againſt whom this action is brought, from the reſt of the people, every man that hears me, that is diſtinguiſhed by high rank or low rank, or no rank at all, is no leſs an object of national concern; and therefore I muſt beg leave to diſmiſs from your conſideration that influence in your paſſions, in the way in which I am perſuaded you will not permit them to be influenced. It is ſaid it will be known from the conſequences of large damages to what degree you carry your reſentment, and that no baniſhment, no impriſonment, nor any thing of that ſort can be apprehended here upon that account. Does my learned friend not know, nor ſuppoſe you to know, how diſproportionate the funds of any ſubject in this kingdom are to ſuch aggravated damages? or does he ſuppoſe it will weigh with you, to give higher damages than the plaintiff demands, upon a ſuppoſition it will be paid by another? does he imagine it will be the caſe for one man to pay for the fault of another, and that the expence would fall upon thoſe that have no ſhare in it? I truſt you will correct that miſconception, and another miſconception, that it is not the merits, or the conduct of the plaintiff, but the defendant's conduct that you ought to look to; and that it is not what the plaintiff ought to receive, but what the defendant ought to pay: now I have never heard the conſideration of what the defendant ought to pay made the conſideration of damages; I have always underſtood it to be what is the plaintiff under all the circumſtances to receive: I underſtand this is a criminal cauſe, and not a civil one, and my learned friend was ſo kind as to ſay he would aſſent to that doctrine: but I don't ſee I have any intereſt to contend for that propoſition; my judgement don't lead me to contend for it; not that it merits an iota, when I conſider what is to be obſerved in the conſideration of damages. It is ſomething materially diſtinguiſhable, that it is not an action for puniſhment, not an action for example, not an action for vengeance, but it is what the terms of the action import, a claim for a civil reparation for a civil injury; it is certain this is not an action for puniſhment, it never occurred to me once to ſuppoſe it was, and I am as little diſpoſed to aſſent to that doctrine, as to require my learned friend to aſſent to that doctrine; it is certainly nothing like it. But the action being ſuch as it is, you will conſider the circumſtances; you will forget the parties; you ſhall forget, if you pleaſe, that the plaintiff is a peer of the realm, and the defendant a prince of the blood, and I will conſent you ſhould think the plaintiff the injured huſband.——In Ireland you are told there was a cauſe, where the indignation of the jury led them to give ſuch damages as drove the defendant out of the kingdom: I don't know what ſo drove the jury, whoever the parties were, and whatever the motives were that produced ſuch indignation; I ſay it muſt be in Ireland, if any where, that the jury could ſuppoſe themſelves at liberty in trying a civil or criminal action, to give way to their indignation, if ever ſo fit, that was not the time nor place to be ſo actuated by indignation;—and I hope, Gentlemen, they will not be copied by you. Then there is a caſe in which a large ſum of money was given, which ended in perpetual impriſon-

ment; the laws have provided no such punishment, but have taken care it should not be the consequence of such actions as these, at least they ought not to be the intended and intentional consequence of such actions as these: the jury ought not so to consider the subject; it is taking up the province when they are entrusted with no such power. It is said there was an action brought by a prince of the blood, and the jury gave him 100,000*l.* in damages; does he tell you when it was the sum was recovered? that the action was brought for words spoken of the then Duke of York, and he had the good fortune to meet with one of those indignant juries, and at the close of the trial they gave 100,000*l.* to the heir of the crown against one Doctor Oates, for speaking scandalous words of the Duke. Could my learned friend mean any other than to reprobate it, and to say you should try like those men that tried in that action against this prince of the blood, because that jury gave 100,000*l.* for that prince, you should give 100,000*l.* against this prince? Does this case discover any resemblance in parties, or any resemblance of the subject? I am sure there is not the least; but among all the extravagant, illegal, and violent acts that juries have done, the whole compass of actions put together since that time, or before, could not have furnished such an one as that which my learned friend has now hinted at. Gentlemen, I exhort you not to be angry, like the jury in Ireland; not to condemn to perpetual imprisonment, like some other jury; and not to copy the jury in the end of Charles II's time, against Doctor Oates. My learned friend tells you, that from the crowded audience, the people are anxious to see how far your resentment will carry you, and he is confident to say the public will not be disappointed. I am convinced they don't come here for such a purpose, if there is such an one that does, I am confident he will go home disappointed, for I am perfectly sure he will go away taught to correct that mistake, and learn that your resentment will not carry you away one jot; that you will not be actuated by such resentment, nor such passions; but that it will be received by you as in deference to your better judgement it ought to be. I have not done with the first part of this proposition intirely: you may, if you please, forget who the plaintiff is, that he is a peer of the realm, and you may know him only in the degree of an injured husband. I sincerely wish it were consistent with my duty to leave you here, knowing the plaintiff in no other character than an husband, knowing or supposing himself to be injured: I wish it was permitted to me not to bring before you any thing more respecting who the parties are, or what their conduct has been; but I beg leave to insist, confident of not being mistaken in insisting, it is not necessary who the plaintiff is, if there was no other evidence could be produced imputable to him than that of an injured husband; but if it should be found that that affection which thus had produced this match, ended with the match it produced; if it should be found that that blame, which in a very large, if you please, in any degree short of that which the action supposes, is imputable to the parties, which, though we have been short of tracing, is not confined to them; if it should be found, how regardless soever the defendant may have been of that better example, to which it seems it behoved him to have regard to his conduct; that the unhappy Lady had not that better example to have guided her conduct; if it should be found the plaintiff, by any transaction of his, led the way to produce the mischief which it is said has happened; if it should be found not to be inattention upon her part alone; if the plaintiff should be found to have given the example of improper and criminal passions, by first receiving, entertaining, and indulging criminal passions; if all this should be found true, I trust you will not conceive this immaterial, in the consideration of the action in the two parts in which it subdivides itself. To speak in the expressions of his letter, which are rather borrowed, "That those which should feel, do not feel the treasure they possess;" if it should be found to be truly said, you will not conceive this to be immaterial; but you will consider this, as I hope you will have occasion to consider it, as affording a degree of extenuation, and a degree of apology for the blameable conduct of the unfortunate Lady in this instance; or whether driven, as I flatter myself you will not, to consider it in the head of damages; but in both it is not irrelevant, in both it will be proper for your consideration.

Gentlemen, I am now proceeding to what I feel is a very painful and disagreeable part of my duty; I wish occasion had not been given for it, and it had not been exacted of me, not only for my own sake, but to have spared me this disagreeable task, which is the occasion that brings you and me together, and about which I am now talking; and I am most confident it would have never existed, if my instructions were not true, which I am now going to speak about. I am given to understand, it is no secret to any, but is a notorious circumstance, as transactions of this

ſort in no caſe can be ſecret: but from the moment which formed that relation which gives the plaintiff a title to this action, from that moment to the preſent hour, as well as before, the plaintiff, my Lord Groſvenor, openly, publicly, and notoriouſly has lived himſelf in a conſtant violation of that right, the violation of which he now complains. I know that the manners of the world, and the faſhions, and the cut of the garment, if I may call it ſo, has made diſtinctions where the nature of the caſe makes none; and as it is thought by ſome, to impoſe that obligation of chaſtity and fidelity upon one of the contracting parties, which the other thinks himſelf at liberty, from the moment it becomes his duty, to diſregard; but diſtinctions founded upon faſhion, is not the diſtinction you will adopt: but if you find he has injured her in the ſame way ſhe is charged to have injured him, had the proof of it been as perfect from the evidence, as I take the liberty to tell you it is imperfect, that will not entitle the plaintiff to a verdict; and inſtead of conſidering the damages above all pecuniary damages, inſtead of conſidering 100,000 pounds as a moderate ſum, the ſmalleſt coin the kingdom knows would be more proper. My learned friend ſays, the queſtion is, What ought the defendant, conſidering his high rank, to pay in damages? but I truſt I ſhall have my Lord's concurrence in telling you, the queſtion only is, What ought the plaintiff, under all the circumſtances, to receive? the conſideration of damages, I perſuade myſelf, will not be material, but the evidence will be material to account for the conduct of the parties: it will extenuate, it will explain and apologize, as well for the degree of blame the parties have incurred in this tranſaction. What is ſo natural as that young women ſhould look to form attachments elſewhere, which they are diſappointed in, not having them at home? But it is natural, what the one thinks himſelf at liberty to do, the other ſhould think herſelf at liberty to do; and that ſort of conduct which would have appeared in this Lady, or the other Lady, in any other caſe, or any other huſband, would certainly naturally appear in a very different light, in the caſe of ſuch a huſband as I am inſtructed the plaintiff has been. I am told Lord Groſvenor's utter inattention to this duty, is among things moſt notorious to thoſe whoſe age, temper, and way of life, cauſe them to ſee what paſſes in certain places about this town. If I was ſpeaking to a jury of ſuch ſort of men I am now alluding to, to have produced proof or caſes in particular circumſtances, would have been a ſuperfluous taſk, it would have been only proving what they had ſeen before; but it is neceſſary for me now to ſtate and prove to you, what I am inſtructed to prove to you, without which you ought to pay no regard to what I ſpeak. I am given to underſtand, though difficult as ſuch a buſineſs as this in its nature is to get at the proof of, becauſe thouſands of women will do that which none of them can be brought into a court of juſtice to acknowledge; people cannot be compelled to prove tranſactions of this ſort; if they could, I have names enough in my brief, to bring as many witneſſes as they have called; but I have no right to call them in that degree. I muſt put the queſtion only to ſuch witneſſes as will anſwer, and overcome that difficulty; and I am perſuaded that ſome will be preſented to you, ſome who are the unhappy ſubjects of theſe criminal proceedings of the plaintiff, where there are not inſtances of affection, no love-letters, no fancies, no raptures, no dreams, but poſitive, ſubſtantive, and ſubſtantial inſtances of the violation of that duty, which you are deſired to believe has been violated againſt this Gentleman. Some more decently, others leſs decently, ſome ſpeaking about the time this tranſaction is ſaid to have happened between Lady Groſvenor and the defendant; ſome to times precedent, ſome to times ſubſequent; and one at laſt goes back to the very period of the marriage, which was proved to-day by the reverend Mr. Taylor; from that time, there are inſtances which would take a great ſcope to tell, will appear in proof before you. Mr. Stephens forgets, and does not recollect, all the buſineſs, which he ſuppoſes will be ſome part of the object of your inquiry; he forgets Polly, Charlotte, Jenny, Betty, and ſuch names as he may recollect; his memory may be as defective as his brother's organs of hearing are, and may be as incapable of recollecting thoſe things; but does he remember no names? He does remember ſome Lady who came to the Caſtle at Cheſter, but who that Lady is he don't know; bye and bye you will know; I ſhall call one or two of thoſe witneſſes without ſaying more about it. I do not ſpeak beyond my inſtructions, and I believe I ſhall not be held down in the ſort of evidence I have in command to lay before you upon this part of the cauſe; I only tell you it is for that reaſon I refer to it again, that the purpoſe of this evidence may not be miſunderſtood; not that I call this evidence ſimply to the head of damages, nor as importing the ſmalleſt degree of conſideration that can be material for

you; but I call this evidence as equally material to both parties in the cauſe; it is at leaſt neceſſary to afford ſuch apology and extenuation for the conduct of the parties as the nature of the caſe will admit; that conduct I defend, and inſiſt upon defending ſtrenuouſly; though in ſome caſes I admit her conduct would be indefenſible, yet if this evidence comes up to my inſtructions, I am perſuaded you will not find a verdict for the plaintiff. I ſhall now only make an apology for myſelf, for the time I have taken; I am ſure the importance of the queſtion will afford an apology for me, in having gone through this ſo minutely upon the obſervations made by the council for the plaintiff, and the different degrees of evidence produced to ſupport it. If I have gone no farther than the purpoſe of impreſſing you with a belief, that this tranſaction is not blameable to the purpoſe of this action, I ſhall be happy in contributing my mite to this important point; and conceiving the evidence inſufficient to ſupport that action, I truſt you will find a verdict for the defendant, when you have weighed the grounds upon which I have preſumed to ſtand.

Mr. Skinner. My Lord, I have a great deal of evidence in my brief, to prove that Lord Groſvenor has been guilty of violating the rights of marriage in many inſtances, and I hope that will extenuate and apologiſe for the conduct of Lady Groſvenor, and not be thought an immaterial circumſtance for the conſideration of the jury; the firſt I ſhall call is Mrs. Langford, who is miſtreſs of the White-hart inn at St. Albans.

Mrs. LANGFORD *ſworn. Examined by Mr. Skinner.*

Q. Do you remember Lady Groſvenor coming to your houſe upon the twenty-firſt of December laſt?

A. Yes.

Q. Do you remember the Duke of Cumberland coming to your houſe?

A. Yes.

Q. Can you think of the time the Duke came to your houſe? can you remember the circumſtances of being preſent in the room at the examination of the bed after the door of Lady Groſvenor's room was burſt open?

A. Nobody asked me to look at it.

Q. Was it not when they were making obſervations upon the bed you was there?

A. No, Sir.

Q. Was not Stephens there?

A. No, not at the time I was looking at it by myſelf.

Q. How ſoon after the door was broke open did you come into the room?

A. Some time after.

Q. Did you hear the noiſe it occaſioned?

A. Yes, to be ſure.

Q. How ſoon after the noiſe of that alarm did you go there?

A. Twenty minutes.

Q. Who did you ſee there in the room?

A. Lord Groſvenor's ſervants.

Q. Having found them in the room, did you while they were in the room look at the bed?

A. I looked at it when they were gone.

Q. Did you look at it before they were gone? Did you come a ſecond time?

A. No, Sir.

Q. How did you find the bed?

A. I found the bed, my lord, as if it had been ſat upon by ſomebody.

Q. What part of the bed was it that had that impreſſion?

A. The ſide next the fire.

Q. How far did you think the impreſſion was made?

A. So much as any body might ſit upon it once or twice.

Q. The impreſſion was ſo far as a perſon ſitting upon the bed, but did not look as if it had been lain in?

A. The Lady might ſit down once or twice, but it had not the appearance of being lain in by nobody.

Q. When you came into the room Lady Groſvenor was there?

A. Lady Groſvenor was not in the room when I came in, but in the adjoining room.

Q. The ſervants had not left the room then?

A. No,

A. No.

Q. In what ſituation was Lady Groſvenor's dreſs?

A. Juſt as ſhe came into my houſe; I had took notice of the dreſs when ſhe came into the houſe; and it was juſt the ſame when I ſaw her again, and her head-dreſs was juſt as when the Lady came into the room.

Court. What dreſs was ſhe in?

A. A plain hood, my lord; in that dreſs I ſaw her, and in that dreſs I found her, with high curls turned round.

Croſs Examination.

Q. How long was it before you went up ſtairs after the door was broke open?

A. It was ſome time before I went up; the fright was ſo great at the breaking open the door it frightened me, and I had not ſtrength nor ſpirits to go up.

Q. You found Lady Groſvenor in the other room?

A. Yes.

Q. Standing?

A. No, ſhe was walking about.

Q. What was the appearance of the bed?

A. As if a perſon had ſat upon it once or twice.

Q. The ſheet was not rumpled by that?

A. The ſheet was not rumpled, not where any body uſed to lay.

Q. Was the bed ſtraightened down?

A. It looked as if it had been ſat on, it did not look as if it had been lain in.

Q. How was it towards the foot of the bed?

A. Towards the foot juſt as it was made firſt.

Q. Did you obſerve the bed very carefully?

A. I looked at it, I could do no more, no body bid me look at it.

Q. Have you never told any perſon that you did not look particularly at the bed?

A. No, Sir.

Q. Not the next morning at St. Albans?

A. I told them it looked as if it had been ſat upon.

Q. Did you not tell that gentleman, that you did not particularly obſerve the bed?

A. I don't know that I did.

Q. I don't talk of Mr. Stephens, nor you don't mean of Mr. Stephens, you mean another perſon?

A. No Sir, no perſon.

Q. Had you no converſation with a gentleman that came down to St. Albans, upon what obſervations had occurred to you the night before?

A. Yes, Sir, two gentlemen.

Q. What did you tell them?

A. I told the gentlemen the bed looked as if it had been ſat upon.

Q. Did not you ſay theſe words, you did not recollect looking at the bed?

A. I recollect I did tell them ſomething about it, but I can't tell what it was in particular.

SARAH GILBY *ſworn and examined.*

Q. Was you the chambermaid at the White-hart inn at St. Albans, at the time Lady Groſvenor's door was broke open?

A. Yes.

Q. At what time did you go into the room?

A. I went in ſome time after the door was broke open.

Q. What did you ſee when you went in?

A. I ſaw Lady Groſvenor's ſervants and the waiter there when I firſt went in.

Q. Did you ſee Lady Groſvenor there?

A. Yes, I ſaw Lady Groſvenor.

Q. What dreſs was ſhe in?

A. In the ſame dreſs as ſhe was in all the evening.

Q. Was her hair diſhevel'd?

A. No, Sir, her head was dreſt ſtill, and juſt the ſame as it was all the evening.

Q. Did

Q. Did you obſerve the bed?
A. Yes.
Q. In what condition was the bed?
A. It was rumpled upon one ſide, where two people might ſit there.
Q. Upon which ſide was that?
A. The ſide next the fire-place.
Q. Had it not the appearance of being lain on?
A. No, Sir.
Q. How far was it dented down?
A. Not a bit near the head.
Q. I believe you warmed my Lady's bed?
A. Yes, my Lord, twice.
Q. Do you remember any thing particular of the ſheets being tumbled?
A. The ſheet where they might have ſat on was a little rumpled juſt where they ſat.

Croſs Examination by Plaintiff's Council.

Q. You are a chambermaid?
A. Yes, Sir.
Q. You warmed my Lady's bed at night?
A. I did.
Q. When you left my Lady, in what ſituation was the lock of the door?
A. The lock of the door was very well.
Q. On what ſide was the key?
A. The key was on the outſide, I gave it my Lady in the inſide.
Q. Did my Lady lock the door?
A. I don't know, I did not hear her put the key in the door nor lock it.
Q. You ſay the bed was flatted, I aſk you if it was not much tumbled?
A. It was not much tumbled.
Q. I ask you if it did not appear as if ſome perſons had lain upon it?
A. It did not appear to me as if any body had lain upon it at all.
Q. Were the ſheets tumbled or crumpled into heaps?
A. The corner where they might have ſat, and that was all.
Q. I ask you whether you have ever ſaid that the bed was tumbled, and that you thought ſome perſons muſt have lain upon it?
A. I never ſaid ſo.
Q. Did any body ask you to give an account the very day after this affair happened?
A. Yes.
Q. Did you give an account in writing?
A. Yes.
Q. Is that your hand-writing? producing a paper.
A. Yes, that is my writing.
Q. Was this the day after this had happened, when every thing was freſh in your memory?
A. I was rather flurried, Sir.
Q. How long did that flurry continue?
A. I did not recollect things ſo ſoon after the tranſaction, as I do now.
Q. Could not you then have recollected that the bed was much tumbled, or that it was not tumbled? How came you to ſay the bed was tumbled, and the ſheets tumbled alſo, and ſhoved into heaps, ſo that you thought ſome perſons muſt have laid upon the bed?
A. I did not ſay no ſuch a thing.
Q. Nor you did not ſign any ſuch thing?
A. No, Sir.
Q. Is that the paper you ſigned, good woman?
A. That is my name upon the bottom.
Q. Was it read to you?
A. It was.
Q. Was this paper you ſigned the day after read to you by any body?
A. Yes, Sir.
Q. Do you ſee the gentleman in court that read it to you?

A. It might be, for any thing I know, I don't remember.

Court. Was no ſuch thing read to you as has been repeated?

A. Yes, it was.

Court. Repeat the words, and aſk her if ſhe heard it read.

Council reading. "She was deſired to take notice of the bed, which ſhe did, and ſaw "it was much tumbled and laid flat; and ſhe ſaid, It was not ſo tumbled when I left "it; I did not make the bed in ſo ſlovenly a manner; the ſheets were tumbled and "rumpled into heaps, and were not ſo when I left them."

Sarah Gilby. They took me to the bed to ſhew it me; I ſaid, I did not leave my Lady's bed in ſo ſlovenly a manner; what my Lady did to it after, I could not tell.

Q. But this was read to you I have now read to you?

A. Yes.

Q. And you ſigned it?

A. There is my name to it.

Q. This paper was read to you, and you ſigned it?

A. It was, I ſigned it.

Q. Did you think the day after it was truth?

A. No, Sir; I don't think it was.

Q. How came you to ſign it then?

A. I don't know.

Q. You ſay you did hear it read?

A. I might not take ſuch particular notice of it.

THOMAS ROBINSON *ſworn. Examined by Defendant's Council.*

Q. Do you remember the night when the door of Lady Groſvenor's room was broke open?

A. Yes, Sir.

Q. Did you obſerve the bed?

A. Yes, Sir, I did.

Q. How ſoon after the door was broke open?

A. About five minutes.

Q. What was the appearance of the bed?

A. It ſeemed only to be rumpled upon that ſide next the fire place.

Q. How rumpled? What was the appearance?

A. It ſeemed as if ſome body had ſat upon it.

Q. Was there not the appearance as if ſome body had laid upon it?

A. None at all.

Croſs Examination. Plaintiff's Council.

Q. Did you mean to ſay one or two people?

A. One or two.

Q. What account did you give of it the next morning?

A. I believe that is the account of it.

Q. And you never ſaid it had been toſſed and tumbled as if ſome body had laid upon it?

A. No, Sir.

MRS. BEAU GERMAIN *ſworn. Examined by Defendant's Council.*

Q. Are you acquainted with Lord Groſvenor?

A. Yes, Sir; particularly.

Q. How long have you known him?

A. I have not been acquainted with him ſince the year 1768.

Q. In what year did you know him firſt?

A. I knew him firſt in the year 1768.

Q. By whoſe means did you become acquainted with my Lord Groſvenor?

A. By means of Mrs. Muilman.

Q. Where did ſhe live?

A. In Crown Court, Weſtminſter.

Q. Do you recollect the time of being introduced by Mrs. Muilman?

A. I did not ſee my Lord Groſvenor at Mrs. Muilman's houſe.

Q. Where then did you ſee him?
A. I firſt ſaw my Lord in Jermyn Street at a ſtay-maker's.
Q. Were you known at this ſtay-maker's?
A. No; it was a lodging that Mrs. Muilman's maid took by chance.
Q. For whom was that lodging taken?
A. For me.
Q. How ſoon after you had been at that lodging did you ſee Lord Groſvenor?
A. The next day.
Q. Do you know how long that lodging had been taken?
A. It was taken, and upon my word I don't exactly remember the time.
Q. For what purpoſe was it taken?
A. It was taken for me to ſee my Lord Groſvenor in.
Q. Did you ſee my Lord Groſvenor there?
A. Yes; the ſecond day.
Q. What paſt between my Lord Groſvenor and you that day when you ſaw him there?
A. Nothing that day, only Mrs. Muilman wrote concerning a picture: we went that day to ſee the picture, which was ſomewhere in Weſtminſter, but where, I don't know.
Q. How ſoon after that day did you ſee his Lordſhip again?
A. The next day he came, but I was not at home, and it was the day after I ſaw him again.
Q. What paſt between his Lordſhip and you that next day?
A. I had particular connexion between my Lord Groſvenor and I.
Q. Particular connexions! of what kind, Madam?
A. Connexions as between man and wife.
Q. Did theſe connexions continue?
A. Yes; ſeveral times.
Q. For how long?
A. Not ſeveral times that day, but ſeveral different days my Lord came and continued his viſits.
Q. By what name, Madam, was you known to Lord Groſvenor?
A. Sarah King.
Q. How long did you continue in this lodging in Jermyn Street?
A. Upon my word, I can't exactly remember; I believe about two or three weeks, or ſo.
Q. Did your connexions of the kind you have been ſpeaking of, continue with my Lord Groſvenor after you had left that lodging?
A. No; I did not write to my Lord Groſvenor again for the ſpace of eight months.
Q. Where did you ſee him, Madam, after you had left that lodging?
A. At Miſs Woodfall's.
Q. Where does ſhe live?
A. In Oxford Road, at a place next door to a public houſe.
Q. How often did you ſee him there?
A. Very often.
Q. What paſt between my Lord and you there?
A. The ſame as before.
Q. At that time was you breeding?
A. Yes; I was brought to bed in April, in the year 1769.
Q. How long was that after you had been acquainted with my Lord Groſvenor?
A. I believe, Sir, it was between nine and ten months.
Q. Who was the father of that child?
A. My Lord Groſvenor.
Q. Where did you lye in?
A. At Mr. Harper's, Story Street, Tottenham Court Road.
Q. Who ſupplied you with money for thoſe expences?
A. My Lord Groſvenor ſent a twenty pound note by Miſs Woodfall, and Mrs. Burdet, an acquaintance of Mrs. Muilman's and mine; we had it wrote in the name of another perſon.

Croſs Examination by Plaintiff's Council.

Q. Where do you live now, Madam?
A. In Orange Street, Leiceſter Fields.

Q. Do

Q. Do you follow any profeſſion or employment there?
A. No, Sir, I am married.
Q. What is your huſband?
A. He was a captain of a ſhip or veſſel in the French ſervice.
Q. What is he now?
A. At preſent he waits for his friend's aſſiſtance to ſet up ſome buſineſs.
Q. Where does he wait for his friend's aſſiſtance? What friend's?
A. His brother.
Q. Where is his brother?
A. At Paris.
Q. Where is he? Where does he live?
A. Who? my huſband?
Council. Yes.
A. He lives with me. He expects ſome friendſhip from his brother.
Q. What buſineſs does he follow now?
A. None, at preſent.
Q. What is the buſineſs he is to follow?
A. A library.
Q. Do you know Mr. Giddings, Madam?
A. No; upon my word I don't remember him.
Q. He is gentleman porter to the Duke of Cumberland?
A. Yes; I believe I have ſeen him.
Q. Where have you ſeen him?
A. I think I ſaw him, to the beſt of my knowledge; he came to a gentleman in my houſe.
Q. Who introduced Mr. Giddings to him? How came he to know there was ſuch a woman as you? Who introduced him?
A. My ſervants, I believe.
Q. Is he acquainted with your ſervant?
A. Not as I know of.
Q. How came he to your houſe then?
A. He came with buſineſs, he came with an aſſignation to come here.
Q. How came he to think it would be of any uſe to make an aſſignation for you to come here?
A. I don't know.
Q. Now, when he came to you, did you tell him the ſtory you have told here?
A. Yes.
Q. Is there any friendſhip between you and Mr. Giddings now?
A. None at all.
Q. Not ſo much as a preſent?
No anſwer.
Q. Not even a preſent?
A. No; nothing.
Q. Not even proviſion ſent to the houſe?
A. No, nothing; only he came and aſked me. I have told the truth. I did not think it was any harm. I did it to ſerve my Lady Groſvenor, and vindicate the cauſe of my own ſex. I think my Lady would not uſe ſo true a man as Lord Groſvenor ill.
Q. What did you ſay?
A. I ſaid it was impoſſible that my Lady Groſvenor could have the honour of ſo true a man as Lord Groſvenor was, and uſe him ill.
Q. So you did not know who Giddings was?
A. No.
Q. Out of regard to Lady Groſvenor you came here?
A. Yes; and if my huſband looked over it, I thought there was no harm in it.

Mrs. How *ſworn. Examined by Defendant's Council.*

Q. Do you know Lord Groſvenor?
A. Yes, Sir.
Q. Have you ever been acquainted with him?
A. Yes, my Lord.
Q. At what time did your acquaintance begin?
A. In May, 1768.

Q. Where

Q. Where did you live at that time?
A. In Glaſtonbury Court, Long Acre.
Q. How came you introduced to Lord Groſvenor?
A. By one Mrs. Leſlie.
Q. At what place was you introduced to him?
A. In the houſe.
Q. At Mrs. Leſlie's houſe?
A. Yes.
Q. Was you left alone with Lord Groſvenor?
A. Yes, my Lord.
Q. What paſſed between you and Lord Groſvenor the firſt time you was introduced and left alone with him?
A. No otherways than that I heard, I was to lie with Lord Groſvenor.
Q. And did you?
A. Yes, my Lord, I did.
Q. Did you ever ſee Lord Groſvenor afterwards?
A. Yes, my Lord, I did.
Q. Where?
A. At the ſame houſe.
Q. How ſoon afterwards?
A. I ſaw him three days afterwards.
Q. Did any thing particular paſs then?
A. Yes; the ſame thing over again paſt.
Q. When did you ſee him again?
A. The next day after, the third day.
Q. And what paſt then?
A. Nothing at all paſt then.
Q. Did you ſee my Lord Groſvenor afterwards?
A. Yes; about once afterwards.
Q. How long afterwards?
A. I think about a week afterwards.
Q. Did any thing paſs then?
A. No; nothing in the world; but he was to come to me to take me to a particular place at Hampſtead, but he never came to me afterwards.
Q. Do you know the occaſion of his leaving you?
A. No; I do not know any thing of it.

Croſs Examination by Plaintiff's Council.

Q. Did you ever ſee him ſince?
A. I met him a twelve month ago.
Q. Did you ever ſee him before?
A. No; that was about the month of May. I ſaw him afterwards; I ſpoke to him in the ſtreet as I met him.
Q. Did he aſk you if you knew him?
A. Yes.
Q. Where do you live now?
A. In Caſtle Street, Long Acre.
Q. Are you married?
A. No, Sir.
Q. Do you know Mr. Giddings?
A. No, Sir.
Q. Who called upon you to come here?
No anſwer.
Court. Did you ſay it was a twelve month ago that you knew him?
A. I did.
Q. Did you know the perſon you was ſpeaking to was Lord Groſvenor?
A. I do.

MARY WATEN *ſworn.*

Q. Where do you live?
A. In Bolton Row.

Q. Do you know my Lord Groſvenor?
A. I do.
Q. Do you know of my Lord Groſvenor's having met any woman, and whom, at your houſe?
A. It was not me.
Q. Do you know of any ſuch a thing?
A. I have heard of it.
Q. What do you know yourſelf? have you ever ſeen Lord Groſvenor yourſelf at your houſe?
A. Yes, Sir, I have.
Q. What did he come there for?
A. To ſee a pattern of a waiſtcoat my lodger had at that time.
Q. Who was your lodger?
A. Her name was Tremilly.
Q. Did my Lord Groſvenor meet, or ſee any body elſe at your houſe beſides her?
A. I don't know. I don't go in to my lodgers' apartments to ſee who they receive: I certainly don't know of any other.
Q. Did you ever know any perſon of the name of Gunning?
A. I do not.
Q. Are you certain no ſuch perſon was there?
A. It might be ſo; but I really don't know.
Q. What was this woman, your lodger?
A. A ſort of milliner, ſold ruffles, and had cording for waiſtcoats and coats.
Q. When my Lord Groſvenor was there at any time, did you ever hear him ſpeak of any thing that had paſſed between him and any woman there?
A. No; never.
Q. Did you ever hear him complain of any deception or ill uſage put upon him there?
A. No; I really do not.

ANN TREMILLY *ſworn. Examined.*

Q. Do you know my Lord Groſvenor?
A. Yes, Sir.
Q. Do you lodge at Mrs. Waten's?
A. No, Sir.
Q. You know my Lord Groſvenor, you ſay?
A. Yes, Sir.
Q. Did Lord Groſvenor ever come to the houſe where you lodge?
A. Never, Sir; not to this preſent place where I live now.
Q. Have you ever lodged at Mrs. Waten's?
A. I have lodged at Mrs. Waten's.
Q. Lord Groſvenor came there to you, what might be his buſineſs there? What did he come for?
A. Mrs. Waten wanted Lord Groſvenor to give her charity, and begged he would relieve her and her family, for they wanted money, and Mrs. Waten did get me to ſpeak to my Lord Groſvenor for her.
Q. When Lord Groſvenor came to the houſe, I aſk you what he came there for?
A. Mrs. Waten had wrote him a letter, and he aſked what buſineſs Mrs. Waten had to write to him for charity; I ſaid ſhe was a woman much in diſtreſs, and that he was ſo good and charitable.
Court. Do I take it right, Mrs. Waten had wrote to him for charity?
A. Yes, my Lord.
Q. Did you know any woman in the houſe of the name of Gunning?
A. Yes; I do.
Q. Do you know whether my Lord Groſvenor and that woman met at this houſe?
A. Yes, Sir.
Q. Tell what you know of that meeting? how it came about? and what was the purpoſe of it?
A. My Lord, Mrs. Waten did think if ſhe could get this woman to ſee company, ſhe would be relieved, and he came for this purpoſe, but my Lord did not like Miſs

Gunning; but the girl was in diſtreſs, when he ſaid, I will give you a little trifle, tell me what place you want.

Q. Do you know any thing elſe that paſſed with my Lord and Gunning?

A. I don't know any thing paſſed with Miſs Gunning, only honeſty; I ſee nothing but what was honeſt, and what ſhould be.

Q. In what part of the houſe were my Lord and this Miſs Gunning together?

A. My Lord was in the parlour, and I was with Miſs Gunning in the other parlour, and Miſs Gunning went into the parlour to Lord Groſvenor; after that I was called in, and he ſtaid a minute with Mrs. Gunning, and I was called out of the room.

Q. Who was with Miſs Gunning and my Lord when you came out?

A. There was no body left in the room with Miſs Gunning and my Lord, but they were not above a minute together.

Q. Did they go into any room beſides that?

A. I did not ſee that.

Q. Do you know whether they did or not go up ſtairs?

A. They did not go up ſtairs, my Lord.

Q. Was it once only, or more than once, that you ſaw Miſs Gunning and my Lord there?

A. Miſs Gunning ſlept twice with me.

Q. Was my Lord with Miſs Gunning more than once?

A. He came twice.

Q. What paſſed the ſecond time when he came between him and Miſs Gunning?

A. I did not ſee nothing.

Q. Where were they together when he came the ſecond time?

A. In the parlour.

Q. Was any body with them, or were they alone?

A. I was all the time there.

Q. Did you ever hear my Lord Groſvenor ſay any thing, or complain of any thing that had paſſed between Miſs Gunning and him?

A. No, my Lord, I heard nothing of that; he had nothing at all to do with Mrs. Gunning.

Q. What was it you heard him ſay?

A. He had nothing to do with Miſs Gunning, and ſhe told me the ſame; he ſaid he had no affair with Miſs Gunning.

Court. What is that ſhe ſays?

Council. That my Lord Groſvenor ſaid he had no affair with Miſs Gunning.

They then called for Mrs. Moleſworth, *Miſs* Amelia Pelham, *Mrs.* Charlotte Hayes, *Mrs.* Delmé, *but they did not appear.*

Mr. Wedderburn.

MAY it pleaſe your Lordſhip, and you Gentlemen of the Jury, I did not think it would have fallen to my ſhare to have troubled you with a reply; but the nature of the defence, which my learned friend has very truly ſtated to you, that he was commanded to make upon this occaſion, demands of me, in juſtice to my client, and in juſtice to the public, to ſpeak in vindication of my client, upon the recent inſult which has been now offered to his character; and I do ſubmit to you upon this cauſe, was it not enough for the noble defendant to have done the injury he has already done to the plaintiff, but he muſt add to that injury? and againſt his better judgement, command his council to aſſert what could not be proved, but has been attempted to be proved? and to call over a muſter-roll of the moſt infamous names in town, none of which has appeared, except the two firſt wretches, who have ſworn to their own incontinency.

I will now conſider in what manner to apply the defence, in the conſideration of damages for which it was introduced. Gentlemen, there is an injured huſband brings an action againſt the ſecond perſon in this kingdom, brother to the throne, for that injury. In anſwer to this, a defence is ſet up, which the learned council, who opened it, knows to be no defence in point of action. If only a zeal for maintaining Lady Groſvenor's honour, unfortunate and indiſcreet as he has ſtated her to be, there might have been ſome degree of merit in that ſtate; but this defence has nothing to do with her defence, let it be proved in the way it has been commanded him to open; it would have proved nothing, it would not have acquitted the unfortunate Lady. How has it been proved? You are told from his inſtructions, and I am ſure nothing but inſtructions, and in-

ſtructions

ſtructions which nothing but commands would have induced him to comply with, in the conduct with which he conducts all cauſes, to have ſtated ſuch a defence. That Lord Groſvenor was guilty of violating the ſacred rites from the very hour of marriage, and that was notorious, and there was no difficulty of proving it among people that knew him; and though it was ſo notorious, ſo very often repeated from the hour of marriage, but four witneſſes were called to prove it: the firſt is Mrs. Beau Germain, who is dreſt and brought into court as you have ſeen, and you have heard the evidence ſhe has given; all beſpeak the miſerable ſituation to which that woman is reduced; a huſband ill accounted for, and is ſuppoſed, God knows where, to be a captain of a ſhip in the French ſervice now in England, waiting for aſſiſtance, and to be got into buſineſs. How aſſiſtance can be given in England to get a captain lately in the French ſervice any preferment here, that aſſiſtance is to come from a brother in Paris. This is the account that is given by a woman, the huſband of whom is acquainted with Mr. Giddings. If the huſband is of that ability, and her fortune ſo little as not to afford her that dreſs, you will judge whence that expence comes; and ſhe ſays ſhe thinks it the common cauſe of the ſex, and ſhe has the impudence to come here: and this woman has the impudence to tell Lady Groſvenor, that ſhe has the honour of vindicating her as one of her own ſex, by relating her own proſtitution. She ſays ſhe lived in Jermyn Street, had lodgings taken for her by Mrs. Muilman's maid, at a ſtay-maker's; ſhe lay-in within a year after, and laid the child to Lord Groſvenor. But what other witneſſes is called to confirm that teſtimony? Is the maid called who hired the lodgings? Is Mrs. Muilman called, who, ſhe ſays, introduced her to Lord Groſvenor? Are they called? Mrs. Muilman might be compelled to tell, whether ſhe was a bawd or not; the maid might be compelled to tell who ſhe hired that lodging for; the people of the houſe where ſhe lived might have been compelled to have told you they lodged there; the two other women might have been compelled to have told you, that they had received a twenty pound note of Lord Groſvenor for the expence of her lying-in, and taking care of the child, if it would have borne it; but there is not a tittle of evidence to ſupport a moſt incredible ſtory, introduced by moſt incredible witneſſes. The next witneſs is Mrs. How, who is called to ſhew a different fact, who is one of the dirtyeſt of all the women coming from about Long Acre: this woman, whoſe evidence is given very looſely too, was introduced, as ſhe ſays, to ſee Lord Groſvenor once or twice; upon theſe occaſions ſhe ſaw a perſon, as ſhe ſays, and proſtituted herſelf to a perſon that called himſelf Lord Groſvenor; and ſhe met in a place in ſome court about Long Acre at one Mrs. Leſlie. If that evidence is to be admitted to blaſt a man's character, what man is there in this town whoſe character is not in danger, if it was at the mercy of ſuch witneſſes as Mrs. Beau Germain and Mrs. How, who are brought in to prove their having proſtituted, or pretended to have proſtituted themſelves to the plaintiff? There is none of us all, not even the graveſt character; there is not a learned biſhop upon the bench, but may have his character blaſted by the ſame kind of teſtimony, if it obtains any degree of credit. Who can enquire into the various labyrinths of abandoned profligates, from whence they have produced them, and the means by which they have been traced and brought here? Gentlemen, it is of all ſorts the worſt, where the proof is of the moſt ſuſpicious kind of teſtimony, which no plaintiff is prepared for, no perſon can meet ſuch a ſtab in the dark, by the evidence of ſuch witneſſes as theſe. Where is Mrs. Leſlie? the evidence, ſo unfortunate and wretched, does not pretend to give you any account how ſhe knew it to be Lord Groſvenor particularly: Mrs. Leſlie might have been called here to have told you, (who is ſuppoſed to have introduced him) that ſhe knew Lord Groſvenor, and that Lord Groſvenor was introduced to that woman. They then produced and called Mrs. Waten, and Mrs. Tremilly to ſupport this cauſe. The firſt witneſs, even by her own confeſſion, is a common proſtitute, keeps a houſe where Tremilly lodges; but from the ſtory they both tell, there is nothing improper in their part neither. This woman writes a begging letter; he finds her to be an object of charity; he finds there a Miſs Gunning, who likewiſe thinks herſelf an object of diſtreſs; he has no improper connexions with them, but Lord Groſvenor's charity extends itſelf in a little charity; and from theſe two witneſſes, particularly the laſt, in her broken Engliſh ſaid, nothing paſt but honeſty between Lord Groſvenor and any perſon in that houſe, and as an application for charity, the addreſs was made to him: that is the application of that evidence laid before you, and the addition to this very bad and improper evidence introduced in this improper and cruel manner. Then they have had the affectation to read over thoſe infamous names, the moſt infamous in town, as if you would not take notice of the farce that is played of calling of witneſſes by name, becauſe they are in the attorney's Brief.

This

This is a defence which neceſſarily ſuppoſes you will find a verdict againſt him, and it only goes to the poor ſhift of mitigating damages; and wherever the application goes to the plaintiff, it is only endeavours ſo uſed to blaſt the character of the plaintiff; to extenuate the guilt of one perſon, by imputing guilt to another: that is the ſole purpoſe of this defence, which, I am perſuaded, you as gentlemen, who have the common feelings of humanity, for this aggravated injury done to him, for this freſh inſult, to depreciate him in the minds of the jury, and to take away the honour of his family, will treat with indignation, and the rank of indignation it deſerves. It is impoſſible to extend the reſentment of a jury to a ſtronger point than to conſider ſuch evidence to blaſt his character ſo introduced, and ſo feebly ſupported by ſuch detectable witneſſes.

Gentlemen, I will trouble you with but few words upon the nature of the cauſe, as the defendant's council give up the cauſe. It is impoſſible for my learned friend, with the ingenuity he poſſeſſes, though no man can argue with more dexterity than he does, by disjoining of circumſtances, to make you think there is a defect in the proof; he cannot think you will imagine it from the probability of its having paſſed, and the utmoſt impoſſibility of not believing that every thing had paſſed between Lady Groſvenor and the noble defendant to complete Lord Groſvenor's diſhonour. I will not go over the whole of the evidence, but my learned friend was ſo prudent as to ſay, I had rather ſpoke under my inſtructions than exceeded them. The firſt meetings, he ſays, import little, and the previous meetings muſt import little, becauſe the ſeduction of Lady Groſvenor was his ſole motive. It was neceſſary to ſhew the conſtant attendance of the noble defendant, and that they had opportunities, and took opportunities, as the different circumſtances preſented favourable opportunities to them; for that purpoſe I ſhall ſhew, that in different public places the Duke and Lady Groſvenor appeared together, not ſuppoſing any thing deciſively criminal could have paſſed in public. For that reaſon we went on to another degree; he ſaw her in private meetings in Kenſington gardens; he ſays no criminal intercourſe could happen there, as it was not proved they were together, but only purſuing the ſame road. I am willing to ſay ſo; every opportunity could not have been favourable to all his wiſhes; ſome might have been taken where the perſons of ſome witneſſes might reſtrain what others might not reſtrain. He ſays ſhe was very innocently going to the Duke's houſe, for Lady Groſvenor always went there with the Counteſs Donhoff; I can't ſay her preſence gives ſanction to all parties where ſhe goes: I don't know for certain, nor to the contrary; ſhe was with her upon ſome occaſions; but my learned friend miſtakes, when he ſays the meetings there were by chance, for you will recollect, Gentlemen, that upon all theſe occaſions their going in at the back door of his gardens, the Lady went in at the gates of St. James's palace, where her ſiſter lodged, and the coach then remaining, and the ſervants were diſcharged for two hours, at that ſeaſon of the year, April or May, about nine o'clock; and the Duke of Cumberland is at his garden door always at theſe occaſions, and the ladies walk in, ſending away the coach, that coming back again about eleven; then they go back again the ſame way they came, by the Duke's garden-gates, through the Park, and the palace, and meeting the coach at the gates of the palace upon theſe occaſions plainly proves it could not be an accidental meeting. The Duke always meets them in the Park, and deſires them to walk in, and yet my learned friend ſays there is no harm. Gentlemen, you muſt plainly ſee it was concerted; and if the Counteſs was with her, it is not impoſſible that ſhe might not be ſo totally inſeparable from her upon theſe occaſions, but he in his own houſe might find an opportunity of ſpeaking to my Lady Groſvenor, without even the reſtraint the Counteſs's preſence might impoſe.

Mr. Dunning does juſtice to the cauſe; he cannot go againſt his own reaſon, and he admits it as a breach of decorum in the parties. Who are the parties that have thus broke through it? A young man of his Royal Highneſs's age, and a young married woman of Lady Groſvenor's age. Mr. Dunning is forced to admit the letters prove, and all the circumſtances prove they both had an unbounded paſſion for each other. The Duke had owned it, and in one of his letters you find the Lady had owned it, that ſhe had a paſſion for him. They met alone, not by chance. It is impoſſible to ſuppoſe Lady Groſvenor went to the Counteſs of Donhoff's, intimate as ſhe was, while ſhe was out of town, without her knowledge. She came there in her own coach, upon a pretext that very eaſily impoſed upon her own ſervants. The Duke came in a chair, it is true, but the curtains were drawn; they came there between ſeven and eight, and ſtaid till about eleven; ſo nothing could have poſſibly happened, becauſe when the good woman who attended in the houſe brought the candles, and came

into the room, and the door was not lock'd, but ſhe came in by opening the door herſelf. Now the witneſs told you in her prudence, which was very commendable, ſhe never went in without knocking at the door, and then ſhe introduced the candles; ſhe went to place them upon the table near the couch, where they were ſitting, when the Duke bid her put them upon the other table, which, it ſeems, was at the further end of the room. It is ſaid by Mr. Dunning, That her lying-in ſo little a time after, might prevent her having improper connexions with him. You may eaſily conceive, my Lady Groſvenor entertaining equal paſſions for him as he for her, whether the parties were to be reſtrained by a circumſtance ſo immaterial as that is; if ſhe had been delivered ſome few days, leſs danger might have been ſuppoſed; but for that reaſon, there is no reaſon to ſuppoſe, that in theſe meetings, cenſurable as Mr. Dunning ſays they are for a violation of decency, they ſhould not have gone to the full extent to which they have gone. Then concerning the letters; here are two people infatuated with a violent paſſion for each other, and he writes, and ſhe receives letters which were very unfit for any married woman to receive: but Mr. Dunning ſays, they don't imply, however, any thing which had paſſed between them neceſſary to ſupport this action. I ſhould have been much at a loſs to conceive that any letter, that could have been wrote from any gentleman to a gentlewoman, could contain any kind of expreſſion, that could have a direct proof of what is neceſſary to ſupport this action. It is the common language of the world. Don't the letters import, in the ſtrongeſt manner, that nothing was wanting between them to the full gratification of every wiſh they could have indulged together? Mr. Dunning ſuppoſes a married woman may be generous enough to own her paſſion to an unmarried man, and no advantage taken of it; his reaſon for that ſuppoſition is ſingular, becauſe a married woman may without blame own her paſſion for an unmarried man, and yet may have a lawful object, and no miſchief happen from him. I believe there are no inſtances, where a woman makes a confeſſion of her paſſion to an unmarried man, but that criminality which is improper becomes their object; for that moment ſhe becomes no longer in a ſituation for honour to guard her, ſhe becomes in the power of the man for whom ſhe has made ſuch a liberal confeſſion. Suppoſe that the Duke at firſt had no view of diſhonour, and his intentions were pure, yet it was impoſſible but you muſt ſuppoſe from the whole of theſe letters, and her concurrence, it infers every thing had paſſed between them that was poſſible to have paſſed, neceſſary to ſupport this action. Gentlemen, Mr. Dunning concludes from the expreſſions in the Duke's letters, becauſe they are ſo extremely ardent, ſo very paſſionate, that it is the language of a perſon whoſe paſſions were not gratified, rather than of a perſon whoſe paſſions had been already gratified. He argues ſo, and appeals to his own conviction about it. I apprehend neither my learned friend nor I, at the cool period we are arrived, could judge ſo of a young man of twenty-five, and a young woman of twenty-two. I ſhould judge young men of the Duke's time of life, and young women of Lady Groſvenor's, even after they had the gratification all their wiſhes could deſire, they would ſtill continue to expreſs themſelves with the ſame ardency; and the expreſſions ſhewed there was no reſerve in the Duke's letter, and not much reſerve in her in receiving ſuch letters, containing the moſt paſſionate expreſſions ſhe could receive from a lover, to whom nothing was denied. Gentlemen, the journey to Cheſhire was ſuppoſed to be indiſcreet, was really idle, but nothing could have paſſed upon that journey that was criminal. Mr. Giddings, whom we have been obliged to call as a witneſs, and though we don't think he deſerves equal credit in all he ſays, yet Mr. Giddings, no doubt, is an unexceptionable witneſs, and the beſt; but, however, he has endeavoured to cover it, and urged the apology at the ſame time he ſtated the fact, and therefore does not deſerve credit in all points; but undoubtedly Mr. Giddings could not be ignorant Lady Groſvenor was upon the road, from the time he ſet out from Towceſter; the witneſs had told him, who told his Royal Highneſs at ſupper, and Giddings was then with him; Giddings then heard Lady Groſvenor was in the houſe; ſhe went ſtage by ſtage as they went; they followed her, and he could not have the leaſt doubt of knowing the Lady was the object for whom the Duke went that road. Gentlemen, in the next place concerning the rooms; the doors were always chalked; Mr. Giddings has told you he thought it right to chalk the door of the rooms; he thought it unneceſſary at Cheſter; but if I miſtake not, the Duke himſelf chalked ſome door.

Court. Giddings ſaid the Duke did it himſelf, or he did it in the Duke's preſence.

Mr. Wedderburn. I recollect now it was ſometimes the Duke; but it was either the Duke in his preſence, or he himſelf did it; that was not like combing of his hair, or bringing up the water to waſh him, or doing thoſe common things no ſervant neglects;

but a precaution uſed upon that occaſion, which had a particular meaning, and a caution Mr. Giddings does not take upon him to ſwear was obſerved at Cheſter. It is manifeſt he knew pointedly and regularly every night where Lady Groſvenor was to be, though they never ſet out together; and it is impoſſible it could not be learnt, or come to the knowledge of the Duke, without her knowledge, for his ſervants and her ſervants had no communication together in the courſe of a week. The Duke lays at an inn always upon the road, and Lady Groſvenor was there likewiſe at the ſame inns; he always laid in a chalked room, and ſhe always took care to lay near the chalked room; which is deciſive to that point, and deciſive that they did meet. The objection to their having been together at Whitchurch, is that the maid might have improved from it ſince; but ſhe took leſs notice of it at the time that is accounted for by the evidence ſhe gave, that there was a perſon lying in the houſe which was diſordered in his underſtanding, and upon the firſt noiſe, ſhe wanted to know what it was; ſhe then recollected it was the fool's room; ſhe thought the fool would do her ſome harm, and then ſhe lockt the door; ſhe paid but little attention to the circumſtance, though it was ſtrong enough to dwell in her mind, and to be refreſhed in her mind, from the diſorder in which ſhe found the bed the next day; that only applies from paſſing over the circumſtance the next day. What was it the woman heard? they both heard it; but being told the other woman was to ſay the ſame thing with what the witneſs ſaid, we ſent her back, not to give you a repetition of it. At that houſe the Lady choſe a bed-chamber contiguous to that where the Duke lay, and not contiguous to that where her ſervants lay. It would have been ſingular if ſhe had affectedly choſen another room, not the beſt, and a damp room, at any other time, when ſhe would not have choſen any body ſhould lay in it, not her own ſervants. Can you ſuppoſe that perſons, who carry any degree of prudence about them, would have choſen ſo dangerous a place, when they had had a caution of that particular room, but this room was choſen by the Lady as it was contiguous to the chalked room. The witneſs hears the door of the Duke's room open; hears the ruſtling of cloaths between that door and the door of the Lady's room. What does the maid deſcribe the bed to be the next morning? Mr. Dunning ſays a chamber-maid at an inn ſhould not think it an uncommon ſight to ſee a bed in which two people had lain. She ſays this bed was in a ſituation ſhe never ſaw a bed before: therefore, ſays he, it is an imagination of the maid's, and ſhe has multiplied it to herſelf; the ſituation is accounted for, and the ſingularity of it. The maid found a great many pins in the bed clothes, and proves the Lady was not undreſt, and what had paſt had not been in the naked bed, but upon the bed; and there is no doubt that the bed would not have the appearance of two people lying in it. The maid's evidence is ſtrong and pointed, when you come to conſider the particular nature of her evidence, which proves that ſome perſon had gone dreſt, ruſtling in the paſſage; that that door did open and ſhut again. Need I aſk the queſtion, that it could not be any more than the unfortunate Lady? I think the pins being found in the bed the next day, and her being diſorderly, will prove it very clear. You find he purſued ſtage for ſtage with Lady Groſvenor; the rooms were contiguous; both their paſſions were equal, ſtrong for one another; and though direct proof of it was not given by the letters, nor at the meetings before they came to Whitchurch, yet the judgement neceſſarily formed upon that, is, that it was impoſſible but ſome one of the opportunities muſt have been taken by the parties; all were nocturnal; all in bed-chambers, and remote from witneſſes. They were near Lord Groſvenor's houſe in Cheſhire; I don't deſire you to believe any indecency to have paſſed in the fields, nor in Mr. Giddings's preſence; I don't deſire you to believe neither, that Mr. Giddings was always ſo near; I think you can't. That circumſtance in his teſtimony is extraordinary, for the Duke's taking theſe double journies; he does entertain noble ſentiments upon other occaſions, and that he ſhould have done it with no other perſon but Lady Groſvenor, and to chooſe to have a witneſs, ſuch as Mr. Giddings in company, to ſee all things that ſhould occur between him and Lady Groſvenor, is very extraordinary; but I am ſure there are no perſons in their rank would ever chooſe to admit a third perſon ſo near. Then the ſcene at St. Albans is ſuppoſed to be innocent, for the purpoſe of this action, not innocent in itſelf, not innocent that a gentleman ſhould be in a lady's bed-chamber at an undue hour; but for the purpoſe of this action it is innocent, becauſe it was impoſſible for that to have paſſed, which ſhould have been proved to paſs then. Mr. Stephens is ſurprized to find when he carries his negus, that the Lady is gone to bed ſo ſoon; he went to the nurſery, ſhe was gone; he is pretty poſitive as to the door being locked; the chamber-maid proved the key was on the inſide; and Mr. Stephens, you find, was prepared by boring two holes in the door. What is to

be

be done then? the next thing is to make the houſe quiet; he goes to the ſervants, and orders them to go to bed immediately, and not to diſturb the Lady or children in the nurſery; they all obeyed his orders and went to bed; ſome time after Mr. Stephens waits; he then goes to the door. You will obſerve nine of the witneſſes tell you when the Duke came to Lady Groſvenor's room; the Duke muſt have been ſome time in the room; Stephens liſtens at the door; he hears two people in converſation; he goes then to his brother; a conſiderable interval therefore paſſes before his return with his brother; then he carries his brother up ſtairs into the room, where he was to lay; then a long converſation paſſed between him and his brother; then Stephens is confirmed in his idea; then after a great deal of pauſe and doubt, fearing leſt they ſhould do a raſh act, they came down again; the ſervants had notice, and then they broke open the door; that ſcene paſt as the witneſſes have given you an account of; the poſt-chaiſe, you find, was ordered for the Duke at two o'clock in the morning, which was very remarkable. Was there not time for converſation to have paſſed, from the time of Stephens's firſt coming to the door, and then going to fetch his brother, and then conſulting? Was there not a poſſibility during all that time, for the diſhonour of the huſband being completed? Time is left ſufficient for all the gratification of their wiſhes as they could deſire. And though Mr. Dunning ſays there is no experience that ſhews much converſation paſſes upon that ſubject, yet all experience, I believe, will ſhew there muſt be ſome converſation paſs in the interval of an hour and an half. Gentlemen, Mr. Dunning obſerves that nothing could have paſſed, becauſe Giddings obſerved from the window of the Duke's bed-chamber Stephens boring the holes in the door of Lady Groſvenor's bed-chamber, and he apprized the Duke of that circumſtance, which conveyed to Giddings's idea they were watched, which he communicated to his Royal Highneſs. In that caſe, I do in my conſcience ſuppoſe Mr. Giddings might have come to the knowledge of that circumſtance, that the door was bored, by other means than by ſeeing Mr. Stephens doing it. Giddings told me upon his own evidence, he had made a progreſs in all the houſes he was in before; and at St. Albans, to be ſure, he muſt meet with that circumſtance of the holes in the door, and of the dreſs Stephens was in that night. I will put it upon a fair balance, whether Giddings's ſtory be falſe or true. If falſe, then the Duke unapprized, raſh, and precipitated, went into the Lady's bed-chamber without any ground of ſuſpicion that he would be watched: but if true, the evidence is ſtronger than if no ſuch circumſtance had ever occurred. What is ſo ſtrong a proof of it as this? If watched, it was dangerous for him to go in; he ſhould have avoided it undoubtedly, as it would naturally be the effect of diſcovery. If Giddings had made the diſcovery, his Royal Highneſs would have watched for a ſafer opportunity. But, ſays Mr. Dunning, the Duke's paſſions were the paſſions of a young man, raſh and inconſiderate; he had come there to ſee her, and he would ſee her, even at the riſque of that being known: then if his paſſions were ſo unreſtrained, that he would riſque all to ſee Lady Groſvenor, do you think it would make him ſtop ſhort, when he had riſqued all for the poſſeſſion of her, and it would not have carried him on to the gratification of their utmoſt wiſhes? Thus far Mr. Giddings's evidence is for the intereſt of the cauſe, if all is conſidered. I will take his evidence as true, and upon that circumſtance I will build a confirmation of the inference; for how was it poſſible for any man to go away from the object he had run all that hazard to obtain? If they knew there was a poſſibility of being watched, yet they riſqued being locked up together in her bed-chamber at an undue hour of the night. They riſqued a detection, and do you think they would not riſque the whole for the gratification of their wiſhes? It is to be believed, becauſe he did that which a cautious man would not have done. Permit me to ſay, it is not in human nature for him to run all that riſque, and not to go farther; and that young men, or young princes, have not paſſions different from other people. Can you believe that young people of theſe warm paſſions would ſtop ſhort of their object upon a conſideration of prudence, when it had been ineffectual in preventing the danger of being interrupted and diſcovered? Mr. Dunning ſays that it might be all innocent; permit me to ſay that innocent liberty, which a man according to that argument might take with a married woman, is the liberty of having conſulted aſſignations, with her feigning them under borrowed names; and going to meet her at the houſe of a perſon gone out of town, continuing with her four hours together, and he may take the liberty of writing to her in warm terms; ſhe might take the liberty of telling him her paſſions, and as Mr. Dunning ſays, he might take the liberty of ſitting with her upon a couch, and he may take the liberty of kiſſing her ten thouſand times upon that couch, and nothing paſs between them; nay, he may then, according to his argument, take the liberty of being upon the bed with her, and all the pins

there, and yet nothing happen. He may take the liberty of ſitting upon the bed at St. Albans within the curtains, for the conſideration of that liberty, and then ſtop ſhort juſt at that preciſe point; to be ſure, granting this much we will grant him no more. I don't ſee why ſtop ſhort, why not go into a naked bed together? you might have ſuppoſed upon a ſeries of this argument it was cold, the fire went out, and it was warmer to be in blankets than cloaths, and they went to bed in order to converſe more eaſily, and yet all perfectly innocent; and you cannot ſuppoſe a guilt of which you have not ſeen a direct proof. If any one ever heard a trial of this kind, I don't believe that one inſtance has occurred, where the direct proof has by the indiſcretion of the parties been capable of being given in evidence. Their being upon the bed within the curtains, their being at the Counteſs Donhoff's, and all their repeated opportunities, and being at the Duke's houſe, and all their private meetings, in the preſent caſe amounts to that violent preſumption which my learned friend allows is equal to all that teſtimony can amount to. Conſider the letters by themſelves, the journey to Cheſhire by itſelf, the journey to St. Albans. I forgot Mrs. Langford and her maid, they are anxious for the honour of her houſe, they come up and give an account of the impreſſion of a perſon ſitting upon the bed. I am ſure with regard to the two Stephens's, you obſerve the degree of caution with which they gave their evidence, and the unwillingneſs they had to ſtate any thing unleſs with the moſt ſcrupulous exactneſs in every circumſtance. The elder Stephens ſaid, Mrs. Langford did not chuſe to ſee it with the ſame eyes he did. Stephens did at that time argue againſt her, and ſtill ſhe ſaid it did not appear as he ſaid it did appear; but four witneſſes deſcribed the ſituation different from what ſhe ſaid. The maid admits the account was read over to her, and upon that account it was expreſly ſtated, and her name was put to it, which is not ill written; the expreſſion that the bed was ſhoved up into heaps, that is a chambermaid's expreſſion; I defy the gentlemen that took it down to have coined it, it is a word peculiar to herſelf; ſhe ſays the bed was very much tumbled and diſordered, and looked as if it had been lain on; that is her account. However ſhe may have been brought up in conjunction with her miſtreſs, or partially ſince, I don't know, but you will judge of that; the other parts of the evidence have furniſhed me with ample matter for that. The firſt account ſhe has given is a fair account, made upon the ſpot when the obſervation was recent; no reaſons could have induced her then to have given a different account; it is far from being a contradiction of evidence. My learned friend obſerves, if the circumſtance had been true with regard to the Duke's being ſeen buttoning his waiſtcoat, and the Lady's neck bare, the two Stephens's would have given an account of it. Though the two Stephens's did not ſee it, the two footmen did. Stephens ſays, he ran to the other room to Lady Groſvenor, who fell, and as the Duke was going away they did not obſerve the dreſs being looſe. The firſt Stephens's deſcription was, that Lady Groſvenor was running towards the next room, and by the ſituation in which ſhe ſtood with reſpect to both doors, it occurs, that the witneſſes might ſee her naked breaſt, becauſe as ſhe was going into the next room, ſhe turned herſelf and looked back; but with regard to his Royal Highneſs buttoning his waiſtcoat, and the Lady's dreſs being ſo unbuttoned that her neck and breaſt were naked, it is ſufficiently proved by the two footmen. Then you are deſired to lay aſide the meetings, they prove nothing; to lay aſide the letters, they prove little; to lay aſide the journey to Cheſhire and to St. Albans, the whole proves little; and the common argument of *Juncta Juvant* will not apply in this caſe; in ſome caſes it will apply with irreſiſtible force. It is evident ſhe had affected no reſerve in her inclinations to him; it is admitted ſhe was a paſſionate lover, wanted nothing but the gratifications of her wiſhes but one opportunity, and if but one opportunity had happened, and an imperfect account of that opportunity had happened, you might have ſuppoſed for once an alarm might prevent it, an accident might happen to prevent a ſecond opportunity; but if opportunities are multiplied, and they are all that are wanted for the proof of the crime, here it proves to you in fair reaſoning, the impoſſibility that ſo many opportunities could have happened, and the gratification of a criminal paſſion have been prevented, and that that paſſion ſhould never have been gratified in thoſe opportunities that were unfortunately given to the parties; this is the ſame courſe of reaſon a man purſues in every period of life. If probable circumſtances make a ſolid ground, two increaſes and three increaſes, and a multiplication of that is admitted to be the ſtrongeſt ſpecies of evidence; circumſtances united ſpeak for themſelves, and form a body of teſtimony which no human villainy is capable of inventing. You have here in this cauſe the ſtrongeſt circumſtances

that can be given in evidence, if this is inſufficient, the ſeeing the parties in the naked bed, and nothing leſs than the naked bed, and ſeeing that which ought not to be ſeen, can be ſufficient proof of the diſhonour of a huſband, and a violation of the rights of marriage. Gentlemen, the conſequence of ſuch a verdict is fixing the impunity, and for future obſervation it is only the common precaution of locking a door, to commit all that their extravagant paſſions may dictate; and unleſs the parties were mad enough, which is beyond the conception of human folly, to go to a place where there were witneſſes, this action is ſuppoſed to have no ground of proof. I am ſure you will be extremely cautious how you lay down ſuch a rule as that; the manners of the time require a different rule, to prevent a further progreſs of licentiouſneſs. It is ſaid the circumſtances, as well as the rank of the defendant, and conduct of the plaintiff, are all to be taken into conſideration; I don't diſpute the propoſition. If I talk of the rank of the defendant, I don't exclude the idea of his circumſtances: if the plaintiff, though he is a peer of the realm, is to be conſidered as any other ſubject, what is done to the character of the plaintiff? he has been injured by his Royal Highneſs in the tendereſt point, and now injured in his character by a proof attempted, and by a command given to ſtate to you what is not proved by the evidence, but attempted to be proved by the loweſt claſs of perſons in this town, and a liſt of names called which never appeared, to poſſeſs you with ideas: thus you find his character attacked, but not impeached; and therefore he is entitled to a higher reparation upon that account, for the aggravation of the injury done him by the noble perſon, who ſtands in the rank of defendant upon this record. As to the rank of the defendant it approaches near to the throne, being the higheſt perſon ſhort of royalty in this kingdom. I wonder to hear any thing ſaid of the circumſtances of his Royal Highneſs; need I ſtate, will it be expected I ſhould call evidence to prove the circumſtances of the Duke of Cumberland? will it be expected that I ſhould prove, that no damages can operate ſufficiently againſt his Royal Highneſs, though the damages are given by the jury with the applauſe of the judges? But ſuppoſe thoſe damages are not more than the proviſion of the Duke of Cumberland can be ſuppoſed to pay, and not retrench from the ordinary expences of his table. But it is ſaid, juries are not to conſider no cauſe of damages as a piece of puniſhment; the ſingle point is, what the plaintiff ought to receive, and not what the defendant ought to pay. I have miſunderſtood the direction of the court in all cauſes, if it is not what the defendant ought to pay, not what the plaintiff ought to receive. If it had been a man of a moderate condition in life, the ſame claſs of people with you and me, gentlemen, are we to be told it is not to be judged from the magnified ſituation of the defendant? but if this man receives two, and the other three, or four thouſand pounds, he is well paid. Is that to be the argument that is to paſs with you? I never heard that the jury in Ireland were blamed for finding a verdict upon the dictates of their own mind. I never heard that the jury was cenſured by the court, or the verdict thought diſagreeable, or attempted to be ſet aſide, upon a ſimilar cauſe before Chief Juſtice Holt. Gentlemen, you are the ſole judges, and it reſts with you to judge how much is due for the violation of thoſe rights, for which the public rights are injured as well as the party; and let me be permitted to ſtate to you, that inſtances are not ſo uncommon, where the rights of the public as well as individuals are concerned, according to the nature of the injury, as to affect the public. It is not long ago that damages were given for a violation of an injury which affected the public as well as individuals, I mean the caſe of the journeymen-printers; a fine of two or three thouſand pounds was given; in other caſes much larger damages. In theſe caſes, the principles upon which it was ſupported were, that the jury was the only judges how much ought to be the price of an Engliſhman's liberty; and I do contend, you are the only judges how much is the price of a nobleman's honour, and how much the price, ſituated ſo high as his Royal Highneſs is, he ought to pay for the violation of that ſacred right, in which the public honour is ſo immediately intereſted: you cannot conſider this as a private affair, in which he might ſay, I have injured your family, diſhonoured your wife, I am a prince of the blood, I have affluence, here take the money. Is that to be the principle to be looked to, by thoſe who are better inſtructed to determine a cauſe? Gentlemen, I have no doubt upon theſe facts which are proved, and adding the circumſtances of this freſh attack upon the character of a man ſo injured, that you will find a verdict for the plaintiff, and I have no doubt that the damages will be ſuch as will mark this cauſe as a ſignal cauſe, and a ſalutary example to the public.

LORD MANSFIELD.

Gentlemen of the jury, this action is brought by the plaintiff againſt the defendant, for what is called criminal converſation with the plaintiff's wife. Now to entitle the plaintiff to recover damages in ſuch an action, there muſt be evidence, to the ſatisfaction of the jury, of the preciſe act of criminal converſation; the declaration muſt neceſſarily lay that he carnally knew her, and there muſt in all ſuch caſes be that evidence which ſatisfies the jury of a preciſe act: no indecencies, no familiarities, no conjectures or probabilities, is ſufficient to make out the ground of ſuch an action. But there is no preciſe ſpecies of evidence that is defined, what ſhall or not be ſufficient, but it muſt depend upon all the proofs of the cauſe applied to ſpecific facts, In moſt of theſe actions that have been tried, and in my experience a great number indeed, they generally have been able to prove what is almoſt equal to the very act, or to catching them in the act. I will ſtate to you ſuch facts to which evidence has been given; a great many arguments and inferences have been made uſe of in ſupporting the cauſe: I will ſtate thoſe particularly that require your attention. The firſt, in order of time ſtated in evidence, is what paſſed at the Counteſs Donhoff's; the next in point of time is what is contended to have paſſed at Whitchurch: the third in point of time and the moſt pointed, is what is contended to have paſſed upon the twenty-firſt of December, in their return to St. Albans. Now theſe are ſpecific acts, which are laid before you as acts of criminal converſation; that is of the act itſelf being done; and a great deal of evidence has been given in order to corroborate the inferences drawn from them: it is given by the evidence in a confuſed manner, and therefore is not neceſſary for me to ſtate them regularly; in regard to the facts, there is very little contradiction of the evidence; what paſſed at the Counteſs Donhoff's goes to ſhew an acquaintance, a familiarity, and a ſtrong intimacy; as for inſtance, the footman that proves in 1768, he ſaw Lady Harrington and Lady Groſvenor go into Carliſle houſe not on a public night; that he ſaw another perſon and the defendant come out; that is evidence of an acquaintance, which don't in itſelf go a great deal further. Another evidence about the ſame year of acquaintance, is a footman keeping a box at the playhouſe, and the Duke came into that box, and told the footman he need not take care of it any longer, for he would take care of it for Lady Groſvenor; the ſervant then quitted the box. Another piece of evidence that don't go a great deal further is, upon her going to Kenſington-gardens, the witneſs ſaw the defendant purſue the ſame road, but there is no witneſs that ſaw them walk there together; the ſame witneſs ſaw her go to Kenſington-gardens, ſaw the defendant purſuing the ſame road, at the ſame time her ſiſter a maid of honour was with her. There is another piece of evidence previous to that, ſtronger than thoſe I have yet mentioned, that is, her going to St. James's, ſending her coach away for two hours, and walking into the park with the Counteſs of Donhoff, meeting the defendant, and at his requeſt going into his garden by the garden-door; one of the witneſſes ſaw them there going into the Duke's houſe; this happened once or twice. This is the general evidence, introductory to the evidence of the particular facts which I firſt ſtated to you: then as to this particular fact, it is proved by Elizabeth Sutton, that Lady Groſvenor viſited the Counteſs Donhoff; that ſhe went out of town, and ſhe viſited her both before and after ſhe went out of town; at laſt ſhe went out of town and did not come back for five weeks; during the time the Counteſs was out of town, Lady Groſvenor went to the Counteſs's about ſeven o'clock in the evening; ſhe came and aſked for her; Mrs. Sutton was left in care of the houſe, and her huſband and family were there; ſhe told Lady Groſvenor her Lady was not at home; Lady Groſvenor ſaid, ſhe certainly would be at home that evening; ſhe went in, and went up ſtairs; the witneſs ſays, this was about ſeven o'clock at night, and that ſhe aſked for her brother, or whether he had been there; ſhe don't know which was the expreſſion; then ſhe ſaid her brother would come; ſhe went up into the drawing room, and about half an hour after, a Gentleman came in a chair, which was ſhut up cloſe; that when he was brought into the hall, he burſt out of the chair and went up ſtairs; the witneſſes ſay, he had on a blue great coat; that he went up ſtairs into the room where Lady Groſvenor was; ſhe took up candles when it was a proper time, and when ſhe went in Lady Groſvenor was ſitting at top and he was at the bottom of the couch; there was a table near them, and when the witneſs was going to place the candles there, he bid her place them upon the other table, which ſhe did. She ſays ſhe herſelf was brought to bed in the next month,

and ſhe obſerved that Lady Groſvenor was with child, and it came out afterwards that ſhe was delivered on the ſeventh of June; ſhe ſays ſhe heard them converſing about the probability of the Counteſs's coming back; the witneſs deſcribes his perſon, but that is totally immaterial, as that comes afterwards to be fixed by her huſband; they went away about eleven o'clock. The next night ſhe likewiſe came about the ſame time, publickly as before, in her own equipage; the Gentleman came in a chair, and went away on foot, and ſhe ſays, till her huſband told her the contrary, ſhe took him for Lady Groſvenor's brother. The huſband is called, he fixes it by ſeeing him come out the ſecond night, that the perſon who came out was the defendant. The next witneſs is John Bourne, who ſpeaks to a fact I have not ſtated at large yet; that is a ſervant of the Counteſs Donhoff's; he ſays, he has ſeen the defendant twice there, the defendant aſked him when Lady Groſvenor was lying-in to carry a letter to her, and not to tell the Counteſs of it, and that the anſwer would be directed to the Counteſs, but that he muſt bring it to him the defendant. He ſays he carried the letter which was directed for Lady Groſvenor, and brought another letter back directed for the Counteſs, for which he gave him half-a-guinea. The letters if you deſire them you may take out with you, I will in general tell you their ſubſtance, they are full of extravagant paſſions as can be expreſt; by part of the letter you may obſerve this ſpecific fact, that part in which he ſpeaks of the couch; then the circumſtances of their being in that manner there, and this letter connected with it ſpeaking of the couch, that they leave as evidence for you to infer that the very act did paſs upon that couch; and to this the only obſervation that is made by way of anſwer is this, all this paſſed at the Counteſs of Donhoff's within about eight, nine or ten days before ſhe was brought to bed, which was about the ſeventh of June; this muſt be about the latter end of May, by the narration the woman gives of her not coming into the ſervice till then; that is the ſingle obſervation upon this part of the cauſe. The next fact I will ſtate to you, though it is the laſt in point of time, is that upon the twenty-firſt of December at St. Albans; now with regard to this, there is a great deal of collateral evidence, and it is not neceſſary, I think, to go through this at all. When Lady Groſvenor ſet out for Cheſhire, which was about the latter end of October laſt, that the defendant was at the ſame inn, where ſhe ſtaid every night, till they came to that place, that is the laſt ſtage, I think it is Cheſter; that he was there every night; that he did not come publicly and in his own character, but with a diſguiſe leſs or more, and paſſed ſometimes for a farmer, ſometimes for a ſquire; then on a ſudden they went to London, and this with ſo much aſſiduity and diſpatch, that from Towceſter he went to London, ſetting out in the middle of the night, and getting to town in the morning early: he let his horſes go on towards Cheſhire, while he went to London, and he came back again from London with ſuch diſpatch, ſo as to be the next night where they were. Except the fact at Whitchurch, which is made a ſpecial charge by itſelf, there is no preciſe evidence of any thing paſſing at any of the inns upon the road, nor of their meeting together; there is no evidence of that but conjecture; there is other evidence which they compare with it, and the arguments upon that is, after ſo much pains and trouble it would be extraordinary for the laſt thing not to follow. After he comes to Cheſter he goes the next morning to Eaton, then he goes to a place in Flintſhire, Marford-hill I think; it was upon the ſecond of November he came there, then he goes and makes a viſit, and upon the third of November he goes to London, comes back again the ſecond of December, and all theſe times he makes a viſit at Eaton to Lady Groſvenor; he meets her in the fields, but is never ſeen in the houſe. Now all this evidence for the plaintiff is confirmed by one of the witneſſes, which is truely ſaid cannot admit of a doubt where he ſpeaks againſt himſelf, which is Giddings; he ſpeaks to all theſe meetings; he ſays he never was within the garden but once; the viſits were ſaid to be within the garden, or the fields, but he was never there but once or twice; ſometimes he ſtaid two minutes, ſometimes not two minutes; there is no evidence in that which proves the facts neceſſary to ſupport this charge. The witneſs carrying a meſſage to her, ſaid there was ſuch a perſon as he took to be the defendant with her, and they were either ſitting or lying down together, he cannot ſay which; when he went up towards her, ſhe got up and ran to him, and took his meſſage. Now there are a great many viſits and circumſtances expoſing the Lady and him to great danger, and great diſcovery, while ſhe was at Eaton at my Lord Groſvenor's: but they come at laſt to St. Albans, upon the 21ſt of December, and as that being a material fact in the cauſe, I will ſtate the evidence as preciſe as I can. The firſt witneſs, tho' not the moſt material, is Thomas Denniſon; he ſays, upon the 21ſt of December, at

St.

St. Albans, Mr. Stephens called him up; he himſelf did not hearken at the door; he ſays after Mr. Stephens called him up, the door was burſt open, and the firſt thing he ſaw, when the door was burſt open, which was burſt from the hinges, not the lock, was the defendant ſtanding in the middle of the room dreſt; it was about ten o'clock he thinks; and as Lady Groſvenor was going to the oppoſite door, which led into another room, ſhe fell down; the defendant, he ſays, was buttoning his waiſtcoat, and ſoon after he obſerved that Lady Groſvenor's neck was naked; her dreſs was a cloſe dreſs, which buttoned up to her neck; he ſays the defendant at firſt ſeemed very much confounded, and ſaid, I hope you will do me no harm; he was going out of the door, and Stephens ſaid, Stop the gentleman, that we may ſee who he is; when he got into another room, he ſaid, You ſee I am not in the Lady's room, and ſaid he would take his oath of it; Stephens ſaid, you have been in it. He took particular notice of the bed, and obſerved it was much tumbled; the defendant had on a black or dark wig, and a ſilk handkerchief about his neck. Upon the journey, the family that travelled was Lady Groſvenor herſelf, and two of her children, and the ſervants; in his croſs examination he ſaid about Kenſington gardens, what I have ſtated already, and therefore I need not repeat it. The next witneſs ſpeaking to this is Edward Bennett; he ſays ſupper was in about eight o'clock at night; when he had been in bed about half an hour, he was called up again, which was about half an hour after ten; Mr. Stephens went down with a dark lanthorn in his hand, and put his ear to the door, and heard ſounds like two voices in the room; and when Stephens burſt open the door, he ſaw the defendant ſtanding in the middle of the room; the door was burſt open by three puſhes; they might be between one and two minutes about it; he ſays when they came in, the defendant was buttoning his waiſtcoat; he ſays, Lady Groſvenor went to the oppoſite door; her breaſt was bare; ſhe fell in going into the other room, and Stephens went to her aſſiſtance; he looked at the bed, which was tumbled upon the outſide. The next witneſs with regard to this part of the cauſe, is Matthew Stephens; he ſays, upon the 21ſt of December, at St. Albans, he was employed by Lord Groſvenor to detect them; having information that all was not right, he attended Lady Groſvenor from Cheſhire; while ſhe was at ſupper, he bored two holes in the door of the room, where ſhe was to lay; ſhe went up from the parlour about half after eight or nine o'clock; he carried a negus to her bed-chamber, and ſhe took the negus and turned the lock; afterwards he looked through the holes he had bored, and he ſaw a part of the room, and a part of the bed, but could ſee no body; but he diſtinguiſhed two voices, one was Lady Groſvenor's; and then a ſecond time he liſtened, and heard both voices, the defendant's voice being louder than before; then he ſays he conſulted with his brother, and his brother ſaid, If he burſt open the door and nothing was diſcovered, it would do miſchief; they were deliberating about it ſome time, and they went again the third time; then after liſtening and hearing the voices as before, they broke open the door at the hinges; he was the firſt that went in; Lady Groſvenor was endeavouring to eſcape, and ſhe fell down in going into the next room, but by what accident does not ſeem to be particularly explained; the defendant paſſed by him, and went into the other room, and ſaid, I was not in the bed-chamber; he ſaid, You was; then he ſaid he would take his Bible oath of it; the witneſs's brother, and the other ſervants ſaid, they knew him to be his Royal Highneſs the Duke of Cumberland; he ſays the bed was much tumbled, and the ſheet was rumpled; he ſaid the woman of the houſe came up, and ſaid no impreſſion appeared upon the bed but of a perſon ſitting down; he ſays he was the perſon that firſt went in, and upon a queſtion you ſuggeſted, he ſays, he did not ſee any thing particular about Lady Groſvenor's dreſs, or the defendant's buttoning his waiſtcoat, or any thing of that ſort. The next witneſs is his brother, John Stephens; he ſaw the door broke open, was with them, and ſaw the defendant in the room ſtanding, and he ſaw Lady Groſvenor going into another room; he ſaw the bed was rolled flat, but not the bolſter; ſays he ſaw nothing particular as to the dreſs of the defendant, or Lady Groſvenor. As to this part of the cauſe, ſome witneſſes have been called by the defendant. The firſt is Mary Langford; ſhe was there while the ſervants were there; ſhe looked at the bed before ſhe left the room; ſhe ſays the ſide of the bed next the fire was as if it had been ſat upon, and there was no appearance of its being laid on; ſhe ſays Lady Groſvenor's dreſs was juſt the ſame as it was when ſhe came into the houſe; her head-dreſs no ways diſordered or diſhevelled. The next is Sarah Gilby; ſhe went into the room while the ſervants were there; ſhe ſays ſhe was in the ſame dreſs as when ſhe came in, and her hair no ways diſhevelled; the bed was flatted on the ſide next the fire, as if one or two had ſat down upon it, but there was no appearance of laying on it. Upon her croſs examination they aſked her,

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if ſhe did not the next day give a different account, and ſign the account ſo given; ſhe ſays ſhe was flurried when ſhe gave that account; ſhe believes it might be read to her, but denies now that ſhe ſaid there was an appearance as if two people had been laying there. The next witneſs to this is Thomas Robinſon, the waiter; he ſays the bed was rumpled upon the ſide next the fire, as if one, or two, or ſomebody had ſat upon it, but no mark in his judgement of any body laying upon it. It ſeems he was not examined the next day, and nothing taken down with regard to him. This is the material part with regard to what paſſed upon the 21ſt of December, except a circumſtance Giddings ſwore, that he ſaw a man in blue; and Stephens ſays he was in blue, boring two holes, and he told the defendant of it, and obſerved to him that there was ſome ſcheme or miſchief in it; he ſwears he ſaw a man boring of holes. It is ambiguous evidence. Mr. Wedderburn ſays, if a proper caution was given, it ſhould have prevented the defendant from going into the room at all; if not given, the evidence falls to the ground. It is difficult for you to judge upon that. There is but one other fact which the reply has been reſted upon, which it is ſaid is abſolute evidence of the fact having happened, but it is certainly much looſer than any of the other two; that is, the evidence of Jane Richardſon at Whitchurch; ſhe ſays the defendant was there at the ſame time Lady Groſvenor was; that his door was chalked, and Lady Groſvenor choſe the next room to it, which ſhe ſaid was a damp room; ſhe told Lady Groſvenor the ſame, and that the windows were broken; it was over a gateway, and in a noiſy ſituation; ſhe ſays ſhe heard a ruſtling of clothes in the paſſage; who was going along then that made that noiſe in the paſſage, or that Lady Groſvenor was the perſon that made that noiſe, ſhe can't ſay, ſhe ſays ſhe only heard it; ſhe ſays the next day the defendant's bed was tumbled or diſordered in ſuch a way, as ſhe never ſaw a bed tumbled before, and that there was ſeveral pins in it. This is the evidence of it, and if it reſts upon that as a fact, it is extremely looſe. There is no evidence that ſhe went into that room, it is a probable conjecture; that is no evidence to make the application upon the bed. Therefore it remains upon the two other ſpecific facts, what happened at the Counteſs Donhoff's, and what happened upon the 21ſt of December at St. Albans; and there the evidence is vaſtly ſtrengthened by all the collateral proof. If ſuch a ſingle thing happened once, and no other evidence, to be ſure it is more equivocal than when ſupported with all the reſt; you will therefore weigh the whole circumſtances, as you muſt be ſatisfied in your mind of the criminal act having happened; and if you are not ſatisfied of the criminal act having happened, you muſt find a verdict for the defendant. The next thing, if you find a verdict for the plaintiff, is the conſideration of damages; and upon that point I ſhould not have ſaid a word, if this cauſe had been conducted as moſt cauſes are; but the matter of damages has been ſo laboured in this cauſe, and ſo many rules laid down, which are contrary to every principle of law and juſtice in theſe caſes, that I muſt ſet you right. They are rules ſubverſive of every principle and idea of law and juſtice. In the firſt place, we are to know nothing of the perſons of plaintiff or defendant; God forbid the adminiſtration of juſtice ſhould depend upon circumſtances relative to the perſons of the plaintiff or defendant. There juſtice is ſet to be blind, and we are to try this cauſe, and as all others ſhould be tried, the ſame as if it was between A. and B. the rank of the plaintiff in this cauſe makes no manner of difference, as to the injury or ſatisfaction he is entitled to; for an injury done to the bed of any commoner of England, is as much an injury to him, and to his domeſtic peace, as to a peer of the realm; the injury is as great to a man of low as high rank, and therefore the ſituation of the parties is not the meaſure by which damages are to be governed; but they are to be governed by the nature of the cauſe upon the evidence. Another rule has been laid down, which I take in every cauſe to be unjuſt, and contrary to law; that is, in civil actions, that juries are inflicting of fines, and not giving of damages; that is not the rule, for the damages muſt be apportioned to what the plaintiff ought to receive; it is not that the plaintiff is to receive money in the nature of a fine. If a fine, the laws of England would ſet it aſide; for the laws provide that no exceſſive fine ſhould be inflicted; wherever the paſſions of a jury have carried them to give exceſſive fines, they have done wrong, and what ought to be limited. If they are inflamed in public cauſes, they have meaſured wrong, for the damage ſhould be according to the injury the plaintiff has received; that is the meaſure of damages. I will mention ſome circumſtances which ſhow the meaſure of damages the plaintiff ought to receive. A few years ago, an action was tried here for criminal converſation; the fact was plainly proved, but it came out in the evidence that the plaintiff knew of the trap laid for the man by his wife; he aſſiſted in it, he encouraged his wife in doing it, with a view to catch him in it, and with a view to make

a pecuniary demand: in that cauſe, the jury did with my approbation and direction not find a verdict for the plaintiff, but for the defendant. I have conſulted the judges upon that, and it has been approved in ſuch caſe, if the plaintiff by ſuch a trap draws a man in, though the crime before God is the ſame, he is not to recover damages: that did happen here, and a verdict perfectly agreeable to my ſentiments was given. Another thing I will now take notice of, which is, what happened to day, regarding what the plaintiff ought to receive; they have this day, without objection becauſe they could not object, let the defendant go into a recrimination, to ſhew that the plaintiff had been falſe to his matrimonial vow; as the damages are to ariſe from the tranſactions of the defendant, it is nothing what the plaintiff's behaviour is; if it was criminal, no behaviour of the plaintiff could go to excuſe them, for what they have done criminal: but if the plaintiff is under the ſame circumſtances of behaviour with his wife; if the fact is made out, you will conſider what to give him for the injury which he complains to have ſuſtained; and therefore I will take a circumſtance which has always been gone into in the extenuation or aggravation, that is, the nature of the ſeduction. If the defendant making uſe of the friendſhip of the huſband, under this friendſhip and his hoſpitality, as ſome caſes have been, or where they have been living in the houſe, making uſe of that friendſhip and the opportunities of converſing with the wife, whom the huſband leaves in charge of his houſe, and abuſes that friendſhip, honour, and hoſpitality, or ſtanding in any relationſhip to the plaintiff, the meaſure of damages would certainly increaſe. If a ſervant or a brother make uſe of the introduction that gives ſuch opportunities, the law is very ſtrict. I don't know of the caſe alluded to ſo late as Chief Juſtice Leigh. I know in Queen Ann, the caſe of Mr. Dormer, damages were given for a ſervant violating his maſter's bed, laying in the houſe; and therefore the uſe of damages being what the plaintiff ought to receive, and whether the defendant is rich or poor, it is the ſame thing as to the meaſure. If the defendant is poor, if he has incurred a juſt debt, he ought to pay and make ſatisfaction. If it is the caſe with a very poor perſon, he is liable to have his body taken in execution, it is no excuſe for a poor man; but ſtill it entitles the other to a juſtification; if it was not ſo, a poor man would have little riſque, and the rich would be puniſhed more ſeverely. But whether the defendant is rich or poor, that is not to meaſure the damages; it is in caſe of a fine, but not in point of damages; that is to be meaſured upon all the circumſtances of aggravation or extenuation, ariſing out of the cauſe; as to thoſe circumſtances, you are better and more proper judges than I am; therefore I ſhall ſay nothing, but leave them to your obſervation; but the rule is neceſſary to be explained. The defendant has gone into a ground, which I think goes into the meaſure of damages only; I don't recollect it happening in experience, but one has ſo many of thoſe actions to try, that we can't remember them all particularly. I have turned it in my mind formerly, and I have talked with others upon it, when it firſt occurred to me, whether a doubt might not be made, if recrimination ſhould be a bar to an action of this kind; recrimination, the eccleſiaſtical law makes a bar. There is no difference between adultery of the huſband and wife in point of law, for women may have a divorce for adultery from a huſband, in the eccleſiaſtical court, as well as the huſband a divorce from the wife; but if one ſues for a divorce, and the other recriminates, by the rule of the eccleſiaſtical law, no divorce can be given; they are both equally guilty, and the law does not interpoſe. I am of opinion againſt it; in this action it cannot be a bar, for though the plaintiff may have behaved in this manner, it is between him and the perſon whom he has had criminal converſation with, and it is not a bar to his recovering againſt the defendant. I ſtill think that the huſband drawing a man into doing the act, is in fact a bar; there I am clear: but in this cauſe, it is my opinion, it is no bar; therefore it goes to damages only. And as to damages, it depends upon the evidence of the fact; for if the fact is proved, that the huſband has likewiſe taken the ſame liberty, to be ſure it goes a great way with regard to the injury he complains of, loſing the comfort and ſociety of his wife. If the witneſſes called to it do not prove it, there is an end of it.

To prove this, there were four witneſſes called; the firſt is a miſtreſs Beau Germain; ſhe ſays ſhe knows the plaintiff particularly well; ſhe firſt knew him in the year 1768, by means of Mrs. Muilman in Crown Court, Weſtminſter; ſhe ſaw him firſt in Jermyn Street, at a ſtay-maker's, a lodging which the maid took for her, and in order to admit Lord Groſvenor with her: the next day after the lodging was taken, the plaintiff came, and ſhe ſays nothing paſſed then; the day after ſhe was not at home, but the day after he came again, and they acted as man and wife; and ſhe ſays the ſame connexions were repeated between them ſeveral times; ſhe ſays ſhe went by the name of Sarah King; then ſhe was three weeks at that lodging, but ſhe did not write to him

again

again for eight months; ſhe ſaw him often at Miſs Woodfall's, and the ſame thing happened there; ſhe was brought to bed in 1769; ſhe poſitively ſwears the plaintiff was the father of the child.

The next is Mary How; ſhe ſays ſhe knew the plaintiff in 1768; was introduced by one Mrs. Leſlie; was at her houſe left alone; ſhe lay with him; ſhe ſaw him three days after at the ſame houſe; the ſame thing paſſed; ſhe ſaw him after that and ſhe ſpoke to him; he did not own her; ſhe is aſked how ſhe came to know him; ſhe ſays ſhe is ſure it was him, and ſhe ſaid it was my Lord Groſvenor.

The next witneſs is Mary Waten, who ſays nothing material; ſhe knows the plaintiff; he has been at her houſe to ſee a woman who was her lodger, one Mrs. Tremilly; ſhe is called, ſhe ſays ſhe knew the plaintiff; ſhe lodged at Waten's; ſhe ſaid Waten had wrote to him for charity, and he ſaid if ſhe could get him a woman, he would relieve her; that is not ſaid in her preſence, and therefore not evidence. She ſays the plaintiff and one Gunning went into the parlour, and they were alone together; the ſecond time ſhe was with them in the parlour. Obſervations have been made with regard to the character of the perſons. That comes out of their own mouth. Mrs. Beau Germain accuſes herſelf of incontinence, which, to be ſure, every woman muſt be guilty of who has a baſtard child. She is introduced by Mrs. Muilman, the other is introduced by Mrs. Leſlie; but the ſame objection lays to her. They have ſworn it. Upon theſe obſervations you will weigh whether you believe they ſpeak truth. It is material to the verdict in damages. If you think they are perjured, you will conſider the whole. If you are ſatisfied the facts are clearly proved, you will find a verdict for the plaintiff, and give what damages you think he is entitled to under all the circumſtances. If you are not ſatisfied of the proof of the facts, you will find a verdict for the defendant.

The jury went from Weſtminſter-Hall to Lord Mansfield, at his houſe in Bloomſbury Square, and gave in their verdict for the plaintiff, with ten thouſand pound damages.

FINIS.

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WHICH PASSED BETWEEN

His Royal Highneſs the Duke of CUMBERLAND

AND

LADY GROSVENOR;

HER LADYSHIP's LETTERS

TO THE

Hon. MISS VERNON, MAID of HONOUR to the QUEEN,

THE

ANONYMOUS LETTERS, ſigned JACK SPRATT,

Which were ſent to Lord GROSVENOR,

Another ſigned T. TRUSTY, ſent to Lady GROSVENOR,

And one from Miſs VERNON to her LADYSHIP,

PART OF WHICH WERE NEVER BEFORE PUBLISHED.

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